



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: May 7, 2021
MOAHR Docket No.: 21-001853
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On March 25, 2021, Petitioner, [REDACTED], requested a hearing to dispute the Department's failure to process her application for Medical Assistance (MA) in a timely manner. As a result, a hearing was scheduled to be held on May 5, 2021, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner's authorized hearing representative, [REDACTED], appeared at the hearing and represented Petitioner. Respondent, Department of Health and Human Services (Department), had Rollin Carter, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

ISSUE

Whether the Department properly processed Petitioner's application for MA?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED] 2020, Petitioner applied for MA.
2. Petitioner designated a representative, Change Healthcare, when she applied for MA.
3. The Department processed Petitioner's application and issued a verification checklist to Petitioner to obtain additional information to determine her eligibility. The Department mailed the verification checklist to Petitioner, but it did not mail a copy to her designated representative.
4. Petitioner did not respond to the verification checklist, so the Department denied her application for MA.

5. On February 8, 2021, the Department mailed a healthcare determination to Petitioner to notify her that her application for MA was denied. The Department did not mail a copy of the denial to Petitioner's designated representative.
6. On March 25, 2021, Petitioner's designated representative requested a hearing because it had not received any indication from the Department that Petitioner's application for MA had been processed.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner designated a representative to act on her behalf, and the Department neglected to send its correspondence for Petitioner to her designated representative. Anyone who applies for public assistance may designate a representative to act on her behalf. BAM 110 (January 1, 2020), p. 9. When an applicant has a designated representative, the designated representative assumes all responsibilities of the applicant, including collecting required verifications. *Id.* Since Petitioner designated a representative to act on her behalf, the Department should have sent all correspondence for Petitioner to her designated representative so her designated representative could act on her behalf. The Department neglected to do so. As a result, Petitioner's designated representative was unaware Petitioner was required to provide verifications.

Since the Department did not send its correspondence for Petitioner to her designated representative, the Department did not properly process Petitioner's application for MA. Since the Department did not properly process Petitioner's application for MA, the Department's decision to deny Petitioner's application for MA must be reversed. The Department shall reprocess Petitioner's application for MA and send all its correspondence for Petitioner to Petitioner's designated representative, including verification checklists.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with its policies and the applicable law when it denied Petitioner's application for MA.

IT IS ORDERED the Department's decision is REVERSED. The Department shall begin to implement this decision within 10 days.

JK/cc



Jeffrey Kemm

Administrative Law Judge

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Saginaw-Hearings
BSC2-HearingDecisions
EQADHearings
C. George
MOAHR

Petitioner- Via USPS:

[REDACTED]

Authorized Hearing Rep.- Via USPS:

[REDACTED]