



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: May 28, 2021  
MOAHR Docket No.: 21-001973  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned administrative law judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on May 27, 2021. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Beverly Wilkerson, specialist.

### **ISSUE**

The issue is whether MDHHS processed Petitioner's son's Medical Assistance (MA) eligibility.

### **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], 2021, Petitioner applied for MA benefits for herself, her spouse, her three daughters, and her son, [REDACTED] (hereinafter, "Son").
2. On April 19, 2021, Petitioner requested a hearing to dispute the failure of MDHHS to process her family's MA eligibility.
3. On April 20, 2021, MDHHS approved MA benefits for Petitioner's three daughters.
4. On an unspecified date, MDHHS approved MA benefits for Petitioner and her spouse.
5. As of May 27, 2021, MDHHS had not processed Son's MA eligibility.

## CONCLUSIONS OF LAW

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 (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the absence of Medicaid eligibility for herself, her spouse, and four children. Exhibit A, p. 4. It was not disputed that Petitioner applied for MA benefits on [REDACTED], 2021. As of Petitioner's hearing request date, MDHHS had still not processed her application. One day after MDHHS received Petitioner's hearing request, MDHHS sent Petitioner a Health Care Coverage Determination Notice approving Petitioner's three daughters for MA beginning March 2021. Exhibit A, pp. 5-7. Petitioner testified that she believed that MDHHS has since approved her and her spouse for MA benefits. Petitioner testified that her only remaining dispute concerned MA benefits for Son.

The standard of promptness (SOP) for processing applications begins the date that MDHHS receives an application or filing form, with minimum required information. BAM 115 (January 2021) p. 16. For MA not based on disability, MDHHS is to certify program approval or denial of the application within 45 days. *Id.* Notices are generated automatically following approval or denial. *Id.*

For all programs, upon certification of eligibility results, MDHHS must automatically notify the client in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220 (January 2021) p. 2. Notices must include the action taken by MDHHS, the reason for the action, the specific manual item which cites the legal basis for action, an explanation of the right to request a hearing, and the conditions under which benefits may be continued if a hearing is request. *Id.*, pp. 2-3.

MDHHS initially testified that Son was approved for MA benefits. When questioned when notice of the approval was sent to Petitioner, MDHHS eventually admitted that Son's request for MA benefits remained unprocessed. Son's unprocessed MA benefits was consistent with the notice dated April 20, 2021, which only approved MA benefits for Son's sisters. Exhibit A, pp. 5-7.

Given the evidence, MDHHS failed to comply with its application standards of promptness concerning MA benefits for Son. As a remedy, MDHHS will be ordered to process the application requesting MA benefits for Son.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS failed to comply with its standards of promptness concerning Petitioner's application for Son's MA benefits. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Process Petitioner's application dated [REDACTED], 2021 requesting MA benefits for Son; and
- (2) Issue notice and benefits accordingly.

The actions taken by MDHHS are **REVERSED**.

CG/jm



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**Christian Gardocki**

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-Wayne-15-Greydale-Hearings  
BSC4-HearingDecisions  
C. George  
EQADhearings  
MOAHR

**Petitioner – Via First-Class Mail:**

[REDACTED]  
[REDACTED], MI [REDACTED]