



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: June 18, 2021
MOAHR Docket No.: 21-002403
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 telephone hearing was held on June 16, 2021. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Samar Hamad, Assistance Payments Supervisor, and Niquoya Brown, Eligibility Specialist (ES).

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) Program application?

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 submitted an application for MA benefits through the marketplace.
2. On the same day, the Department issued a Health Care Coverage Supplemental Questionnaire (HCCSQ) to Petitioner with a due date of March 25, 2021.
3. On [REDACTED] 2021, Petitioner spoke with ES from the Department and advised her that she received the HCCSQ after the due date, but ES told her that she should still turn it in and that the local Department office was open on Friday, April 2, 2021 even though it was Good Friday.
4. As of April 20, 2021, the Department still had not received the HCCSQ from Petitioner and a Health Care Coverage Determination Notice (HCCDN) was issued

to Petitioner advising her that her MA Application had been denied because she did not return the HCCSQ.

5. On May 3, 2021, Petitioner submitted her request for hearing disputing the denial of her MA Application.

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 (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.

In this case, Petitioner's MA application was denied because the Department did not receive Petitioner's completed HCCSQ. The HCCSQ is used to gather additional information when a client indicates a disability on the application. BEM 105 (January 2021), p. 3. In MA cases, the Department allows the client 10 calendar days to provide requested verifications. BAM 130 (January 2021), p. 8. If the client cannot provide the verification despite a reasonable effort, the time limit may be extended up to two times. *Id.* Extensions may be granted when the client makes a request, there is a need for an extension, and efforts were made by the Department to assist the client. *Id.* Case action notices are sent when the client indicates a refusal to provide verification, or the time period given has lapsed. *Id.*

Petitioner admits she received the HCCSQ and admits that she did not submit the form to the Department even though she was given an extension and then additional time after the extension to submit the document. Therefore, the Department properly denied Petitioner's MA Application dated [REDACTED] 2021.

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 acted in accordance with Department policy when it denied Petitioner's MA Application dated [REDACTED] 2021.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

AMTM/cc



Amanda M. T. Marler
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

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-17-Hearings
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