



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: August 27, 2021
MOAHR Docket No.: 21-003146
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 July 27, 2021, from Lansing, Michigan. The Petitioner was represented by his Authorized Representative, Sue Lazelere, from Advomas, Inc. The Department of Health and Human Services (Department) was represented by Princess Ogundite, Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner's application for Medical Assistance (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 ██████████ 2021, the Department received an Assistance Application, DHS 1171, for the Petitioner submitted by his Authorized Representative at Advomas, Inc. Department Exhibit 1, pgs. 19-24.
2. On January 9, 2021, the application was denied in error, but the Department re-registered and reprocessed the application. Department Exhibit 1, pgs. 35-37.
3. On January 9, 2021, the Department Caseworker mailed the Petitioner a Health Care Supplemental Questionnaire, DHS 1004, that due on January 19, 2021, but a copy was not mailed to the Authorized Representative. Department Exhibit 1, pgs. 38-41.

4. On February 12, 2021, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, for written verification that was due on February 22, 2021. However, a copy was not sent to his Authorized Representative. Department Exhibit 1, pgs. 42-43.
5. On February 22, 2021, the Department Caseworker sent the Petitioner a Health Care Determination Notice, DHS 1606, that he was not eligible for MA from January 2021 forward. However, a copy was not sent to his Authorized Representative. Department Exhibit 1, pgs. 44-48.
6. On June 22, 2021, the Department received a hearing request from the Petitioner's Authorized Representative, contesting the Department's negative action.

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, the Department received an Assistance Application, DHS 1171, for the Petitioner submitted by his Authorized Representative at Advomas, Inc. on [REDACTED] 2021. Department Exhibit 1, pgs. 19-24. On January 9, 2021, the application was denied in error, but the Department re-registered and reprocessed the application. Department Exhibit 1, pgs. 35-37.

Although Advomas was the Authorized Representative on the Petitioner's case, they were never sent a copy of the notices sent to the Petitioner and required by Department policy. On January 9, 2021, the Department Caseworker mailed the Petitioner a Health Care Supplemental Questionnaire, DHS 1004, that due on January 19, 2021, but a copy was not mailed to the Authorized Representative. Department Exhibit 1, pgs. 38-41. On February 12, 2021, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, for written verification that was due on February 22, 2021. However, a copy was not sent to his Authorized Representative. Department Exhibit 1, pgs. 42-43. On February 22, 2021, the Department Caseworker sent the Petitioner a Health Care Determination Notice, DHS 1606, that he was not eligible for MA from January 2021 forward. However, a copy was not sent to his Authorized Representative. Department Exhibit 1, pgs. 44-48. On June 22, 2021, the Department received a

hearing request from the Petitioner's Authorized Representative, contesting the Department's negative action. BAM 130 and 211. BEM 500 and 501.

This Administrative Law Judge finds that the Department did not follow Department policy because they are required to also send copies of notices to the Authorized Representative. Advomas was listed as the Authorized Representative on the Petitioner's case. As a result, Advomas was required to be sent a copy of every notice sent to the Petitioner based on Department's policy and procedure.

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 Department policy when it denied the Petitioner's [REDACTED] 2021, MA application for failure to provide required verification when a copy of the notices was not sent to the Authorized Representative as required by Department policy.

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

The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, within 10 days of the date of mailing of this decision and order of initiating a redetermination of the Petitioner's eligibility for MA retroactive to his application dated [REDACTED] 2021, by sending out a new Verification Checklist, DHS 3503, with a copy to the Authorized Representative for the required verifications needed to determine MA eligibility.

Based on policy, the Department should provide the Petitioner with written notification of the Department's revised eligibility determination and issue the Petitioner any retroactive benefits she/he may be eligible to receive, if any.



CF/nr

Carmen G. Fahie
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

DHHS

Sharnita Grant
25637 Ecorse Rd.
Taylor, MI 48180

Wayne 18 County DHHS- via electronic
mail

BSC4- via electronic mail

C. George- via electronic mail

EQAD- via electronic mail

Petitioner

██████████ - via first class mail
██████████
██████████, MI ██████████

Authorized Hearing Rep.

Sue Larzelere- via first class mail
1607 East Big Beaver Rd Suite 350
Troy, MI 48083