



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: September 24, 2021
MOAHR Docket No.: 21-003843
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 September 9, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Rick Merrill, AP Supervisor. Lauren Lawrence Eligibility Specialist appeared and testified for the Department. Department Exhibit 1, pp. 1-35 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance 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], 2020, Petitioner applied for Medical Assistance.
2. On October 30, 2020, a verification checklist was sent to Petitioner requesting income verifications.
3. On December 2, 2020, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her MA application was denied for failing to verify income.
4. On December 2, 2020, household member [REDACTED] was approved for Health Michigan Plan Emergency Services only coverage.

5. In May 2021, [REDACTED] was activated for full coverage MA going back to October 2020.
6. On [REDACTED], 2021, Petitioner requested hearing disputing the denial of MA.

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.

Deadlines for Requesting a Hearing All Programs

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days BAM 600

In this case, with regard to Petitioner's MA application, the Department denied Petitioner's application on [REDACTED], 2020. Petitioner had 90 days to contest the denial of her MA application. On [REDACTED], 2021, Petitioner requested hearing which was more than 90 days after the denial. Petitioner's request for hearing is untimely and the undersigned Administrative Law Judge has no jurisdiction to address that denial. BAM 600 Petitioner testified that she believed she had provided all required paperwork. Petitioner had an opportunity to contest the Department action, but she failed to do so prior to the deadline.


With regard to [REDACTED]'s MA application, the determination of her eligibility for MA-ESO was made on December 2, 2020. Petitioner did not request hearing on that determination within 90 days. However, the Department discovered the error in May 2021, and activated full coverage going back to October 2020, the original date of application. Petitioner argued that she and her daughter incurred medical expenses and paid for medical expenses prior to full coverage being activated and requested to be reimbursed. Nothing in Department policy allows for that type of reimbursement. Petitioner was advised that if there were any outstanding medical bills for the time period in question, she could submit those bills for consideration.

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 determined Petitioner's eligibility for MA.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

DHHS

Pam Farnsworth
903 Telegraph
Monroe, MI 48161

Monroe County DHHS- via electronic mail

BSC4- via electronic mail

C. George- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED] - via first class mail
[REDACTED], MI [REDACTED]