



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: March 29, 2022
MOAHR Docket No.: 22-000107
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 March 21, 2022. Petitioner appeared for the hearing with her daughter and her Authorized Hearing Representative (AHR), ██████████ ██████████, and ██████████ ██████████, Social Worker with Senior Alliance. The Department of Health and Human Services (MDHHS) was represented by Tiffany Flemings, Assistant Payments Worker.

ISSUE

Did MDHHS properly process the application for Retroactive Medical Assistance (RMA) coverage for Petitioner for October 2020 and November 2020?

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, Petitioner applied for RMA for October 2020, November 2020, and December 2020.
2. On January 20, 2022, following an administrative hearing, MDHHS was ordered to:
 - a. Register and reprocess Petitioner’s ██████████, 2021 RMA application to determine her eligibility under the most beneficial program from October 1, 2020, ongoing; and
 - b. Provide Petitioner with MA coverage under the most beneficial category, if otherwise eligible, from ██████████, 2020, ongoing, in accordance with MDHHS policy.

3. MDHHS re-processed Petitioner's RMA application and approved RMA for December 2020 only.
4. MDHHS could not provide an explanation as to why October and November RMA were denied.
5. Petitioner requested a hearing disputing the denial of RMA for October and November 2020.

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.

Following an administrative hearing, MDHHS was ordered to register and reprocess Petitioner's [REDACTED], 2021 RMA application to determine her eligibility under the most beneficial program from [REDACTED], 2020 ongoing and to provide Petitioner with MA coverage under the most beneficial category, if otherwise eligible, from [REDACTED], 2020, ongoing, in accordance with MDHHS policy. RMA coverage is available back to the first day of the third calendar month prior to the current application for MA applicants and persons applying to be added to the group. BAM 115 (January 2021), p. 12. Here, the January 29, 2021 application could properly seek retroactive coverage for October and November of 2020. For RMA, approval or denial of the application must be issued within 45 days. BAM 115, p. 16. As ordered, MDHHS processed Petitioner's RMA for December 2020 and notified her that she was approved for coverage. However, MDHHS could not provide documentation or testimony regarding the reason for the denial of Petitioner's October and November RMA application. Petitioner testified that all documentation was submitted and argued that much of the information given for properly processing RMA for December would be applicable to process RMA for October and November. MDHHS had no explanation as to the denial of this RMA application and provided no supporting evidence for the denial. Therefore, MDHHS has failed to satisfy its burden that it acted in accordance with Department policy when it denied Petitioner's RMA application for October 2020 and November 2020.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's RMA application for October 2020 and November 2020.


DECISION AND ORDER

Accordingly, MDHHS' 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:

1. Register and reprocess Petitioner's [REDACTED], 2021 RMA application to determine her eligibility under the most beneficial program from [REDACTED], 2020, ongoing; and
2. Provide Petitioner with MA coverage under the most beneficial category, if otherwise eligible, from [REDACTED], 2020, ongoing, in accordance with MDHHS policy; and
3. Notify Petitioner of its decision in writing.

DN/mp



Danielle Nuccio
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

Email Recipients:

MDHHS-Wayne-18-Hearings
EQADhearings
C. George
MOAHR
BSC4

First-Class Mail Recipients:

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