



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: March 31, 2022
MOAHR Docket No.: 22-000311
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 videoconference hearing was held on March 17, 2022, from Lansing, Michigan. The Petitioner was represented by Petitioner's daughter [REDACTED] Authorized Hearings Representative and Petitioner's Son-in-law [REDACTED]. The Department of Health and Human Services (Department) was represented by Rebecca Ferrill, Assistance Payments Worker.

ISSUE

Did the Department properly process 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 [REDACTED] an application for MA was received in the Grand Traverse Office for Petitioner.
2. The application was registered, and the case was transferred to the Gladwin County local office because Petitioner resides in Gladwin County.
3. On January 5, 2021, the processing officer noticed that the Authorized Hearings Representative requested that the case be processed in Grand Traverse County.
4. The case transfer was initiated but ended up with a technical support issue.

5. On January 31, 2022, the Department received a Request for Hearing to contest the fact that the case was not processed within the standard of promptness.
6. On February 4, 2022, the Michigan Office of Administrative Hearings and Rules received a Hearing Summary and attached documents.
7. The case was corrected and processed.
8. On March 1, 2022, the Department sent Petitioner Notice that the application for December 2021 and January 2022 was denied.
9. At the hearing, the Department conceded on the record that the case was not processed within the standard of promptness and that the Department was not prepared to go forward on the issue of whether the application for MA was properly denied.

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.

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 failed to process Petitioner's Medical Assistance Program Application within in the standard of promptness set by Department policy.

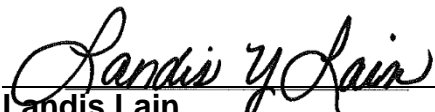
DECISION AND ORDER

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:

1. The Department is ordered to reinstate Petitioner's application for Medical Assistance Program benefits;
2. Determine whether or not Petitioner is eligible for Medical Assistance Program benefits for the months of December 2021 forward;
3. Determine the proper begin date for MA coverage, if any;
4. Send Petitioner appropriate notice of eligibility or lack thereof and the reasons for the determination.

LL/ml



Landis Lain
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

Electronic Mail Recipients:

MDHHS-GrandTraverse-Hearings
BSC1
MDHHS-Gladwin-County-Hearings
BSC2
C. George
EQAD

First Class Mail Recipients:

[REDACTED], MI [REDACTED]

[REDACTED], MI [REDACTED]