



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI

Date Mailed: October 18, 2024
MOAHR Docket No.: 24-009190
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on September 18, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Angela Ware, Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's April 26, 2024 application for Medicaid (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] [REDACTED] 2024, the Department received a completed application for MA and Food Assistance Program (FAP) from Petitioner. Petitioner requested MA for herself, her husband (Spouse), and their three children, including [REDACTED] (Son). The application requested retroactive MA for Son. (Exhibit A, p. 1; Exhibit B, pp. 1 – 10).
2. Spouse was an ongoing recipient of MA at the time of Petitioner's application. (Exhibit A, p. 1).
3. The Department did not process Petitioner's MA application.

4. On August 9, 2024, the Department received a request for hearing from Petitioner regarding the status of her MA application. (Exhibit A, pp. 4 – 5).
5. On August 14, 2024, the Department sent Spouse a Verification Checklist (VCL) that requested verification of Spouse’s checking account and self-employment income. (Exhibit A, pp. 12 – 13).
6. As of August 26, 2024, the Department received all requested verifications.

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.

Petitioner requested a hearing regarding the status of her MA application dated [REDACTED] [REDACTED] 2024 because she did not receive a determination. The Department acknowledged at the hearing that it did not process Petitioner’s MA application.

When the Department receives an application for assistance, it is to register the application within one workday for all requested programs. BAM 110 (April 2024), p. 20; BAM 115 (January 2024), p. 1. The Department must then determine eligibility and benefit amounts for all requested programs. BAM 105 (March 2024), p. 1. Once eligibility and benefit amounts have been determined, the Department must certify the client’s eligibility within the required standard of promptness (SOP), which begins on the date the Department receives an application with minimum required information and issue a notice to the client. BAM 115, pp. 1 – 2. For MA, the SOP is 45 days unless an applicant is pregnant, or disability is a factor. BAM 115, pp. 15 – 16. There was no evidence that either exception was a factor in this case. (Exhibit B, p. 6).

Here, Petitioner submitted an application for MA to the Department on [REDACTED] [REDACTED] 2024 through MI Bridges for herself, Spouse, and their three children, including Son. (Exhibit B, pp. 1 – 10). The application requested retroactive MA for Son for February 2024. (Exhibit B, p. 2). There was no evidence that Petitioner’s application did not contain the minimum information. (Exhibit B, pp. 1 – 10). The Department did not process Petitioner’s application and, upon receipt of Petitioner’s request for hearing, discovered

that it had linked her application to Spouse's ongoing MA case but failed to process it for MA eligibility for the remaining household members. (Exhibit A, p. 1). The Department explained that it processed Petitioner's application and the application was pending for verification of Spouse's self-employment income. (Exhibit A, p. 1). During the hearing, the Department testified that it had received all requested verifications as of August 26, 2024, but that approval was still pending. Because Petitioner's application remained pending as of the date of the hearing, despite the Department having received all requested verifications, the Department did not send Petitioner a Health Care Coverage Determination Notice notifying her of its decision and thus failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Petitioner's and children's MA eligibility.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to complete its processing of Petitioner's and children's MA eligibility.

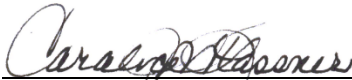
DECISION AND ORDER

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

TO THE EXTENT IT HAS NOT ALREADY DONE SO, 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. Complete processing Petitioner's [REDACTED] 2024 MA application;
2. If eligible, provide Petitioner and children with the most beneficial MA coverage they are each eligible to receive for April 2024 ongoing, and for February 2024 ongoing for Son; and
3. Notify Petitioner of its decision in writing.

CML/nr



Caralyce M. Lassner
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

Via-Electronic Mail :

DHHS
Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209
MDHHS-Wayne-41-Hearings@michigan.gov

Interested Parties

BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

Petitioner

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