

## COA Opinion: Failure to cite regulations supporting denial of application for Medicaid benefits does not affect validity of denial notice or the timing for a request for a hearing

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The Department of Human Services (the “Department”) sent the applicant a notice which stated that her application for Medicaid disability benefits was denied and provided a reason for the denial. The notice also contained several irrelevant citations to Department manuals that did not relate to disability determinations. The back of the notice stated that the applicant could request a hearing within 90 days of the date of the notice. The applicant requested a hearing 368 days after the date of the notice and claimed that the incorrect citations to the manuals made the notice inadequate and that the 90-day period was therefore not triggered. The hearing referee dismissed the applicant’s request for a hearing as untimely. The applicant filed a petition for review with the circuit court, which agreed with the applicant’s reasoning. On June 22, 2010, the Court of Appeals, in a published per curiam opinion in *Schreur v. Department of Human Services, No. 285792*, reversed the circuit court’s decision. Interpreting federal regulations and the Michigan Administrative Code, the Court of Appeals relied on the distinction between “applicants” and “recipients” to conclude that the Department was not required to inform an applicant of the specific regulations that supported its denial. Further, the Court of Appeals concluded that applicants are not bound by the 90-day request limitation applicable to recipients, but rather are allowed a “reasonable time” to request a hearing. Here, the Court of Appeals determined that 368 days was not a reasonable time.