

**CITY OF DETROIT GENERAL  
RETIREE HEALTH CARE PLAN & TRUST**

**POLICY RESOLUTION**

**Adopted: February 13, 2018**

Re: Administrative Appeals Procedures

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**WHEREAS**, the Board of Trustees (the “Board”) of the City of Detroit General Retiree Health Care Trust (the “RHC Trust”) is vested with the authority and responsibility for the establishment, operation, management and administration of benefits to be provided by the Retiree Health Care Plan for General Retirees of the City of Detroit (the “Plan”), and

**WHEREAS**, the Plan provides a right to appeal adverse benefit determinations in accordance with the terms of the Plan, and

**WHEREAS**, the Board of Trustees may adopt such rules and regulations it deems necessary for the administration of the Plan, and

**WHEREAS**, the Board of Trustees desires to establish rules and regulations pertaining to the submission of appeals under the Plan, therefore be it

**RESOLVED**, that the following administrative rules and regulations are hereby established and implemented.

**I. Appeal Forms**

The Board shall adopt model Appeal Forms, as the same may be amended from time to time in the Board’s discretion, which shall be made available to claimants in an effort to simplify and streamline the administrative appeal process.

**II. Level 1 Appeals – Plan Administrator**

1. The right to file a Level 1 Appeal arises following an adverse benefit determination made by the Plan Administrator and must be filed with the Plan Administrator, in writing, no later than thirty (30) days following the date of the initial adverse determination.

a. All adverse benefit determinations made by the Plan Administrator shall be communicated in writing and shall contain the following statement:

**“You may appeal this determination to [Name of Plan Administrator] within thirty (30) days of your receipt of this communication. Your appeal must be made in writing and may include additional comments, information, documentation, and other records that you wish to be considered by [Name of Plan Administrator], on appeal. A copy of the Plan’s model Level 1 Appeal form is enclosed.”**

b. Verbal appeals to the Plan Administrator are insufficient under the Plan and shall not be considered.

2. The Plan Administrator shall provide written notice of its determination within thirty (30) calendar days following receipt of the written Level 1 Appeal. If the Level 1 Appeal is denied, written notice shall be provided to the claimant, specifying:

- a. the reason(s) for the denial;
- b. the Plan provisions on which the denial is based;
- c. a statement regarding any internal rule, regulation, guideline, protocol, or other policy that was relied upon in denying the Level 1 Appeal; and
- d. a statement explaining the Plan's Level 2 Appeal process.

### **III. Level 2 Appeals – Board of Trustees**

1. Denial of a Level 1 Appeal must be appealed in writing to the Board of Trustees within sixty (60) calendar days of the denial of the Level 1 appeal ("Level 2 Appeal").

- a. The written Level 2 Appeal may (but is not required to) include issues, comments, documents, and other records the claimant wants considered by the TPA, on review. All information submitted will be taken into account on review, even if it was not reviewed as part of the initial decision. Claimants submitting a Level 2 Appeal may request a hearing before the Board.
- b. Verbal appeals to the Board are insufficient under the Plan and will not be considered by the Board.

2. Upon receipt of a Level 2 Appeal the Board shall schedule any required hearing and notify the claimant, within thirty (30) calendar days following receipt of the Level 2 Appeal, of the applicable hearing date, if any.

- a. Notice of any hearing scheduled by the Board shall be by certified mail to the claimant and/or the claimant's designated representative(s) at least ten (10) days prior to the date of the scheduled hearing.
- b. Unless otherwise specified, all hearings shall be held at the Board's designated meeting location.
- c. A representative with appropriate authority may appear in the absence of the interested party.
- d. One (1) adjournment or continuance of a scheduled hearing may be granted in the sole discretion of the Board. All requests for an adjournment or continuance shall be made in writing at least five (5) days prior to the scheduled hearing date, and shall include a statement of the reasons necessitating the request. The Board, in its sole discretion, may waive the five (5) day notification requirement, or accept

a verbal request during a hearing, if proper showing is made that for reasons outside the control of the person making the request, the request could not be made within the prescribed timeframe.

e. Failure to appear at a scheduled hearing that has not been adjourned or continued shall constitute a default and the Board may proceed with its decision as if the hearing had occurred as scheduled.

3. The Board shall notify the claimant or his/her representative of its Level 2 Appeal determination within thirty (30) calendar days following receipt of the Level 2 Appeal or Level 2 Appeal hearing, if any. If the Level 2 Appeal is denied, the Board shall provide a written notice specifying:

- a. the reason(s) for the denial;
- b. the Plan provisions on which the denial is based;
- c. a statement regarding any internal rule, regulation, guideline, protocol, or other policy that was relied upon in denying the Level 1 Appeal;
- d. a statement that a claimant will be provided, upon request, copies of all documents, records, and other information relevant to the Claim for benefits; and
- e. a statement of the claimant's right to bring an action under applicable state or federal law.

4. Subject to applicable state or federal law, any interpretation of any provision of the Plan made in good faith by the Board as to any Participant's rights or benefits under the Plan is final and shall be binding.

#### **IV. REVIEW AND MODIFICATION**

The Board shall review and propose any needed modifications to this Policy as it deems necessary.

#### **V. EFFECTIVE DATE**

This policy shall take effect immediately upon its adoption by the Board.