



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: June 23, 2016  
MAHS Docket No.: 16-004795  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Robert J. Chavez**

### **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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on May 23, 2016, from Ypsilanti, Michigan. The Petitioner appeared pro se. The Department was represented by [REDACTED], Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly deny Petitioner's Medical Assistance (MA) application for failing to return required verifications?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner applied for MAGI-related MA assistance on March 11, 2016.
2. Petitioner self-attested to [REDACTED] in wages on this application.
3. On March 12, 2016, a DHS-3503, a Verification Checklist (VCL) was sent to the Petitioner requesting verification of income, with a due date of March 22, 2016.
4. Petitioner received the VCL.
5. Petitioner failed to return requested verifications before March 22, 2016.
6. On April 8, 2016 Petitioner requested a hearing.

## **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.

It should be noted that Petitioner's request for hearing was dismissed under an Order Dismissing Request for Hearing Pursuant to Withdrawal of a hearing request on May 20, 2016. However, after examining MAHS records, it appears that this dismissal was issued as a result of clerical error, and Petitioner never requested a withdrawal of his request for hearing. The Administrative Law Judge verbally overturned the Order of Dismissal in question, and, as the Order was issued as a result of clerical error, had the dismissal purged from the system and file. This dismissal is considered to be in error and had never actually occurred; the hearing and accompanying decision are to proceed as normal.

A failure to return required verifications can result in application denial. BAM 130 (2016).

However, a verification must be required before a request can be made.

With regard to MAGI-related Medicaid, for which the Petitioner applied, self-attestation is acceptable for most eligibility factors. Only citizenship, social security numbers and lawful presence require documentation. BAM 130, pg. 4 (2016)

Petitioner was sent a VCL asking for documentary verification of income. However, Petitioner had applied for MAGI-related MA benefits, which specifically allows for self-attestation as an acceptable form of verification. Petitioner attested to [REDACTED] of income on his application. Therefore, the Department did not need to send a VCL to the Petitioner to verify income, as the income had already been verified through self-attestation.

As such, Petitioner could not be at fault for failing to respond to the VCL, as the VCL should not have been sent in the first place, and the Department should have accepted Petitioner's self-attestation of income, per policy found in BAM 130. As Petitioner was not at fault, and as the Department erred by requesting the documentary evidence in

the first place, the application in question should not have been denied for failing to return documentary verification.

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 denied Petitioner's MAGI-related MA application for failing to return documentary evidence and disallowing self-attestation verification of income.

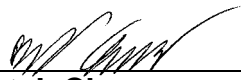
**DECISION AND ORDER**

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. Reprocess Petitioner's March 11, 2016 application for MA benefits.

RC/tm

  
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**Robert J. Chavez**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**Authorized Hearing Rep.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

cc:

[REDACTED]