



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: April 21, 2016
MAHS Docket No.: 16-002925
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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, a telephone hearing was held on April 21, 2016, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner's Medical Assistance (MA) application due to excess assets?

FINDINGS OF FACT

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

1. The Petitioner applied for MA on February 1, 2016.
2. The Department issued a Health Care Coverage Determination Notice on February 12, 2016, finding the Petitioner was not eligible for MA as the value of her countable assets is higher than allowed for this program.
3. The Department, after the Petitioner's hearing request was received, reinstated her MA case because it realized it used old asset verification information. Thereafter, the Department issued a Verification Checklist (VCL) to determine Petitioner's assets based on current information.

4. At the time of the hearing, the Department had denied the application due to the Petitioner's failure to provide verification of assets as requested.
5. The Petitioner requested a hearing on February 22, 2016, protesting the Department's actions.

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.

In this case, the Department initially denied the Petitioner's February 1, 2016, application for MA improperly. When the Department denied the application on February 12, 2016, it did so based on old asset information and found that the Petitioner was ineligible due to her assets exceeding the MA asset limit. Thereafter, on February 22, 2016, the Petitioner requested a hearing regarding the Department's denial of her MA application. Upon receipt of the hearing request, the Department finding that the asset information it relied upon was not current, reinstated the Petitioner's MA application. Based upon these facts and particularly the fact that the Department acknowledged and corrected its error denying the application based on outdated asset information, it is determined that the Department corrected its denial. Although subsequent events, namely the Petitioner's alleged failure to provide asset bank account information pursuant to a verification request by the Department, caused the application to be denied, those events occurred **after** Petitioner's February 22, 2016, hearing request and cannot be addressed as part of the February 22, 2016, hearing request. Therefore, there remains no issue to be addressed as the original denial of the application was corrected by the Department; and the Department properly sought new asset information so it could make and eligibility determination in conformance with Department policy.

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 because the Department corrected its initial error denying the Petitioner's February 1, 2016, MA application, there remains no further issue to be decided by the undersigned.

DECISION AND ORDER

Accordingly, the Petitioner's Hearing Request dated February 22, 2016, is hereby **DISMISSED**.

It is so ORDERED.

LMF/jaf



Lynn M. Ferris
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

DHHS

[REDACTED]

Petitioner

[REDACTED]

cc:

[REDACTED]