



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 6, 2017
MAHS Docket No.: 16-017888

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 January 19, 2017, from Lansing, Michigan. Petitioner was represented by her guardian, [REDACTED]. The Department was represented by Long Term Care worker [REDACTED] and Assistance Payment Supervisor [REDACTED].

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) Long Term Care (LTC) application for failure to submit 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. On July 19, 2016, the Department received only the first page of a Long Term Care (LTC) application for Petitioner.
2. On October 4, 2016, the Department received a signature page for the Long Term Care (LTC) application for Petitioner.

3. On November 3, 2016, a Verification Checklist (DHS-3503) was sent to Petitioner, care of her authorized representative [REDACTED] [REDACTED]. The required verifications were due on November 14, 2016.
4. On November 17, 2016, the Department had not received all the required verifications. A Health Care Coverage Determination Notice (DHS-1606) was issued stating Petitioner was not eligible for Medical Assistance (MA).
5. On November 21, 2016, a hearing request was submitted for Petitioner.

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.


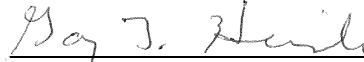
In this case Petitioner's representative focuses on the argument that a complete application was submitted on June 30, 2016 and on July 19, 2016. The Department did not deny Petitioner's application because it was not complete. The Department denied the application because all required verifications were not submitted in a timely manner.

Receipt of a complete and signed application is just the first step in determining eligibility for assistance benefits. Law requires the Department to verify eligibility factors, depending on the specific program applied for. That is the reason a Verification Checklist (DHS-3503) was issued. Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts provides that "The client must obtain required verification, but the local office must assist if they need and request help." Under Timeliness of Verifications it states that a client must be allowed 10 calendar days to provide verifications requested. It also provides that a case action notice should be sent when the time period given has elapsed.

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 acted in accordance with Department policy when it denied Petitioner's Medical Assistance (MA) Long Term Care (LTC) application for failure to submit required verifications.

DECISION AND ORDER

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

Gary Heisler
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

