



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]
Date Mailed: April 19, 2017
MAHS Docket No.: 17-002698
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

Following Petitioner's request for a hearing, this matter was before Administrative Law Judge Michael Bennane 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 March 23, 2017, from Warren, Michigan. [REDACTED] Petitioner's daughter, appeared as Petitioner's authorized hearing representative (AHR). The Department of Health and Human Services (Department) was represented by Kathleen Scorpio-Butina, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for Medicaid (MA) and Medical Savings Program (MSP) benefits?

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 [REDACTED] 2016, Petitioner applied for MA and MSP.
2. Petitioner is over age 65 (Exhibit A, p. 5).
3. On December 15, 2016, the Department sent Petitioner a Health Care Coverage Supplemental Questionnaire (Exhibit A, pp. 4-6).
4. On January 6, 2017, Petitioner submitted the completed supplemental questionnaire, indicating that she had a savings and checking account at [REDACTED]

██████ and that she had gross monthly pension income totaling \$195.54 and gross monthly Social Security benefits totaling \$707 (Exhibit A, pp. 5-6).

5. With her supplemental questionnaire, Petitioner submitted a page from her ██████ checking account statement for the period November 4, 2016 to December 5, 2016, with her name and account number on the statement (Exhibit B) and a portion of a checking statement from ██████████ (Exhibit C, p. 8).
6. On January 10, 2017, the Department sent Petitioner a Verification Checklist (VCL) requesting a current bank statement for her savings account and proof of her pension/retirement by January 20, 2017, (Exhibit D).
7. Petitioner did not respond to the VCL.
8. On January 27, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice denying her application for MA on the basis that she had failed to verify her savings account and her unearned income and denying her application for MSP on the basis that she had failed to verify her savings account and unearned income, her income exceeded the limit for the program, and she was not eligible for MSP in the month tested because it was for a prior year (Exhibit E).
9. On ██████████, 2017, the Department received Petitioner's request for hearing disputing 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. MSP is a program under the MA program.

Petitioner requested a hearing to dispute the denial of her MA and MSP application. Petitioner, who is over age 65 and not the parent of a minor child, is potentially eligible for MA under SSI-related categories. BEM 105 (July 2016), pp. 1, 2. In order to be eligible for SSI-related MA, a client must establish that she does not have excess assets. BEM 400 (July 2016), p. 8. Checking and savings accounts are assets that must be verified at the time of application. BEM 400, pp. 14-15, 58, 59. Because the

category of SSI-related MA a client is eligible for is dependent on income, income must also be verified at application. BEM 500 (January 2016), p. 13.

In this case, in her supplemental questionnaire, Petitioner disclosed that she had a checking and savings account with Citizen's and she had pension income. She also attached a current statement from her [REDACTED] checking account and a copy of a statement from [REDACTED] with no account number, date, or account holder name listed.

Based on the information Petitioner provided, the Department acted in accordance with Department policy when it sent Petitioner the January 10, 2017, VCL requesting verification of the [REDACTED] savings account, the [REDACTED] account, and the pension income. The Department did not receive a response to the VCL. The AHR did not allege that Petitioner provided any further information. To the contrary, Petitioner's hearing request asserts that she provided all requested documents with the supplemental questionnaire.

Because Petitioner failed to provide the additional documents necessary to process her application, the Department properly denied the application for failure to verify requested information.

DECISION AND ORDER

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 MA and MSP application.

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

ACE for MJB/jaf



Michael J. Bennane
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

Lauren Casper
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Petitioner

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