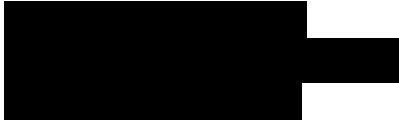




RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: January 10, 2018
MAHS Docket No.: 17-014782
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael Crews

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; 42 CFR 438.400 to 438.424; 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 4, 2018, from Detroit, Michigan. The Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Department caseworker.

ISSUE

Did the Department properly deny Petitioner's October 4, 2017 application for Medical Assistance (MA) benefits effective December 1, 2017?

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 filed an application for MA benefits for herself and her husband on October 4, 2017 (Exhibit A, p. 3).
2. The Department mailed a verification checklist (VCL) dated October 24, 2017 to the Petitioner, which requested proof of all earned and unearned income for the last 30 days and proof of self-employment/expense records for the last year (Exhibit A, p. 24).
3. The Department required that Petitioner provide the verification proofs by November 3, 2017.

4. The Department did not receive any of the requested verification proofs from Petitioner.
5. The Department mailed a Healthcare Coverage Determination notice dated November 7, 2017 to Petitioner and informed her that the application for MA benefits for herself and her husband would be denied effective December 1, 2017 (Exhibit A, p. 27).
6. On November 17, 2017, the Petitioner submitted a hearing request to dispute the Department's action.

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 Petitioner submitted a hearing request to dispute the Department's denial of MA benefits for herself and her husband.

The client is required to obtain and provide the verification requested by the Department for determination of their eligibility for benefits. BAM 130 (April 1, 2017), p. 1. Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2017), p. 9. The client is allowed 10 calendar days to provide the verification that is requested in accordance with policy. BAM 130, p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. A negative case action is sent when: 1) the client refuses to provide a verification, or 2) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

Here, the Department's evidence established that a VCL dated October 24, 2017 was mailed to Petitioner and she was allowed ten days to submit the requested verification. Petitioner testified that her husband was waiting on income information from their bookkeeper and she confirmed that the requested verification was not timely submitted to the Department.

As the time period for submission of the requested verification had lapsed and Petitioner had not made a reasonable effort to provide it to the Department, it denied Petitioner's MA application effective December 1, 2017.

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 application effective December 1, 2017.

DECISION AND ORDER

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

MC/kl



Michael Crews
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

Via email



Petitioner via USPS

