



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: April 9, 2018  
MAHS Docket No.: 18-001296  
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; 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 April 5, 2018, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor and [REDACTED] Specialist.

**ISSUE**

Did the Department properly deny the Petitioner's Medical Assistance Application for failure to verify information and return the Health Care Supplemental Questionnaire?

**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 Medical Assistance on November 9, 2017.
2. The Department sent the Petitioner a Health Care Supplemental Questionnaire on November 9, 2017 which was due on November 20, 2017. The Petitioner received the Questionnaire but did not return it. Exhibits B and C.
3. The Department issued a Health Care Coverage Determination Notice on December 6, 2017 denying the Petitioner's Medical Assistance Application due to failing to provide additional information requested in the supplement questionnaire. Exhibit D.

4. The Petitioner requested a timely hearing on January 20, 2018 protesting the denial of her application for MA.

### **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 denied the Petitioner's application for Medical Assistance when she failed to return the Health Care Supplemental Questionnaire the Department sent to her on November 9, 2017. At the hearing the Petitioner agreed that she did not return the questionnaire and admitted that she may have received it and overlooked returning it.

The Department is also required to obtain verifications of eligibility factors at application. BAM 130 (April 2017), p. 1. The Department is required to send a case action notice when:

- The client indicates refusal to provide a verification, **or**  
The time period given has elapsed. BAM 130, p. 9.

In this case, the Petitioner did not contest that the requested income questionnaire was not returned by the due date or at all. Although Petitioner did return bank statements and advised the Department about her income which the Department was able to confirm, thus indicating that the Petitioner was not refusing to provide verification, however, based upon the evidence presented at the hearing, it is determined that the Department properly denied the Petitioner's MA application due to failure to verify information and return the questionnaire by the due date.

Petitioner may reapply for Medical Assistance at any time.

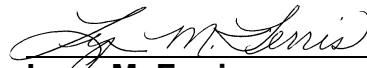
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's application for MA when Petitioner failed to provide the request verification.

**DECISION AND ORDER**

Accordingly, the Department's decision is

**AFFIRMED.**

LF/tm



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**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]  
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