



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 8, 2018
MAHS Docket No.: 18-002080
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 May 16, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments (AP) Supervisor. Department Exhibit 1, pp. 1-13 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application?

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], Petitioner applied for MA.
2. On [REDACTED], a verification checklist was sent to Petitioner requesting proof of income by [REDACTED]. (Exhibit 1, p.4)
3. On [REDACTED], a Health Care Coverage Determination Notice was issued informing Petitioner that the application was denied because verification of income was not received for [REDACTED]. This notice was sent to Petitioner at her address of record. (Exhibit 1, p.13)

4. Petitioner submitted verifications on [REDACTED].
5. On [REDACTED], Petitioner requested a hearing.

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.

Deadlines for Requesting a Hearing All Programs

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed and the client has **not** made a reasonable effort to provide it. BAM 130


In this case, Petitioner's request for hearing is untimely because it was received more than 90 days after the Department action denying her application on [REDACTED]. BAM 600 Petitioner testified that she never received the denial notice and that she made many inquiries between [REDACTED], and [REDACTED], regarding the status of her application. Petitioner testified that she incurred no medical expenses between [REDACTED], and when she obtained health insurance through her employer and only wanted a determination that she was eligible for MA for tax year of [REDACTED] for federal income tax purposes. Petitioner had actual notice of her denial based on the [REDACTED], Health Care Coverage Determination Notice that was sent to her at her address of record and was not returned. Petitioner also had constructive notice because she did not receive confirmation from the Department of her MA eligibility or insurance cards in the eight months that passed between [REDACTED], and [REDACTED]. In addition, the Department presented adequate proof that income verifications were requested from Petitioner on [REDACTED], that were not returned prior to the deadline and closure for failure to return requested verifications was proper and correct. BAM 130

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.

DECISION AND ORDER

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

AM/bb



Aaron McClintic
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) 763-0155; 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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]