



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: April 18, 2018
MAHS Docket No.: 18-001780
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 4/17/18, from Lansing, Michigan. The Petitioner represented himself. The Department of Health and Human Services (Department) was represented by Kimber Nolan HF, and Jana Salsetta ES appeared as a witness.

ISSUE

Did the Department properly close Petitioner's medical assistance (MA) on the grounds that Petitioner failed to comply with the Department's verification request?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times, Petitioner was a beneficiary of the Medicaid program.
2. On 9/28/17 the Department request verification regarding new employment from Petitioner, due 10/9/17.
3. Unrefuted evidence is that Petitioner failed to return the requested verification.
4. On 1/30/18 the Department issued a closure notice for failure to return the requested information.
5. On 3/1/18 Petitioner's health coverage stopped.
6. On 2/12/18 Petitioner filed a hearing request.

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, verification policy and procedure is found in corresponding BEM and BAM manuals, including BAM 800, BEM 137 and BAM 807.

A review of the evidentiary record shows that the Department acted as required and mandated by federal and state law in requesting required and necessary verifications prior to processing requests for Medicaid programs. Failure to have adequate and necessary verifications in the recipients file can result in substantial financial penalties on the state of Michigan.

Here, the Department properly requested the verification which Petitioner was required to submit as a condition of eligibility. Petitioner indicated that he was busy and shares a household with 2 other individuals which makes things hectic.

Under generally construed definitions of good cause, Petitioner's reasoning for failing to deliver the necessary verification does not constitute good cause. As such, the Department's closure must be upheld.


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 failure to comply with the Department's request for verification.

Petitioner did not meet his burden of proof. Petitioner may reapply.

DECISION AND ORDER

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

JS/nr



Janice Spodarek
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

Stephanie Mietz
675 E. Cedar Ave Ste. 2
Gladwin, MI
48624

Gladwin County DHHS- via electronic mail

BSC2- via electronic mail

M. Best- via electronic mail

EQAD- via electronic mail

Petitioner

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