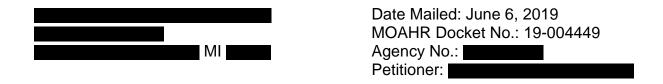
GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS DIRECTOR



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 June 5, 2019, from Lansing, Michigan. Petitioner was unrepresented. The Department of Health and Human Services (Department) was represented by T Jones, APS.

ISSUE

Did the Department properly deny Petitioner's 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 2019, Petitioner applied for MA with the MDHHS.
- 2. Petitioner receives Retirement Survivors Disability Insurance Income in the amount of per month.
- 3. On May 2, 2019, Respondent mailed a Verification Checklist requesting verification of Petitioner's social security income. Petitioner failed to return the verification.
- Respondent was unable to assess eligibility based on survivor's social security benefits due to Petitioner's failure to return the requested verification. Based on income eligibility, the Respondent determined that Petitioner was excess income for the HMP MA program.

- 5. On April 11, 2019, the Department issued a notice of denial due to excess income.
- 6. On April 24, 2019, Petitioner filed a request for 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.

In this case, unrefuted evidence is that Petitioner's retirement survivor's benefits of is excess income for the HMP program. Neither party disputes this fact. Petitioner rather argues that her eligibility should be based on survivor's income. However, the Department's interface with SSA does not show that Petitioner receives survivor social security. As such, Petitioner is responsible to submit verification to establish eligibility. To date, Petitioner has failed to provide requested verification of her income from the SS administration.

Based on these facts, and based on the credible and substantial evidence of record and corresponding law and policy it must be found that the Department acted in accordance with Department policy when it denied Petitioner's MA application.

DECISION AND ORDER

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

JS/dh

Janice Spodarek

Administrative Law Judge for Robert Gordon, Director Department of Health and Human Services

Parie Spoderik

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR 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** Vivian Worden

21885 Dunham Road Clinton Twp., MI 48036

Macomb County, DHHS

BSC4 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

Petitioner

