



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: February 21, 2020  
MOAHR Docket No.: 19-012772  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

### **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 30, 2020, from Lansing, Michigan. The Petitioner was represented by himself and [REDACTED], family friend. The Department of Health and Human Services (Department) was represented by Eric Murphy, Eligibility Specialist.

### **ISSUE**

Did the Department properly determine that Petitioner was not eligible for Medical Assistance (MA) for failure to provide verifications?

### **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 was a recipient of MA with a redetermination due November 2019.
2. On September 4, 2019, the Department Caseworker sent Petitioner a Redetermination Application, DHS-1010, that was due October 4, 2019. Department Exhibit 1, pgs. 8-15.
3. On October 18, 2019, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective November 1, 2019, that the Petitioner's MA and MA Medical Spending Program (MSP) cases were closed because he failed to return the redetermination form by the due date and a

determination could not be made about his continued eligibility for assistance. Department Exhibit 1, pgs. 5-7.

4. On October 24, 2019, the Department Caseworker received a completed DHS-1010 from Petitioner. Department Exhibit 1, pgs. 8-15.
5. On October 29, 2019, the Department Caseworker received confirmation through a SOLQ that Petitioner's Social Security RSDI benefits was deposited into a checking account, which resulted in a vendor card being added to the Petitioner's case as an asset that was required to be verified to determined continued eligibility for benefits. Department Exhibit 1, pgs. 23-25.
6. On October 29, 2019, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, for him to provide the ATM balance of a Vendor Pre-Paid Debit Card by November 8, 2019. Department Exhibit 1, pgs. 16-17.
7. On November 13, 2019, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, for him to provide the ATM balance of a Vendor Pre-Paid Debit Card by November 25, 2019. Department Exhibit 1, pgs. 18-19.
8. On November 26, 2019, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective November 1, 2019, that the Petitioner's MA and MA MSP cases were closed because he failed to return verification of a Vendor Pre-Paid Debit Card by the due date and a determination could not be made about his continued eligibility for assistance. Department Exhibit 1, pgs. 20-22.
9. On December 5, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative 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, Petitioner's MA and MSP cases closed because he failed to determine the asset of his Vendor Pre-Paid Debit Card by the due date. The Department sent out two verification checklists and called multiple times. Even though Petitioner's unearned income qualified him for the MA and MSP programs, his debit card is considered an asset, which cannot exceed \$2,000. Since Petitioner refused to confirm the balance on the Vendor Pre-Paid Debit Card by the due date, Petitioner's MA and MSP cases were closed effective November 1, 2019. BEM 400.

### **DECISION AND ORDER**

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 determined that Petitioner was not eligible for MA and MSP because he failed to verify his assets and the Department could not determine his continued eligibility for benefits.

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

CF/hb



---

**Carmen G. Fahie**  
Administrative Law Judge  
for Robert Gordon, 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 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 Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Wayne County (District 41) via electronic mail

BSC4 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]