



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 24, 2020
MOAHR Docket No.: 19-012896
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. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Mark Kwarciany, Family Independence Manager (FIM).

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application for failure to provide verification?

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], 2019, Petitioner applied for MA with retro MA to March 2019. Department Exhibit 1, pgs. a1-14.
2. On July 31, 2019, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, that was due August 12, 2019, for Petitioner to provide verification of assets and income to determine MA eligibility. Department Exhibit 1, pgs. b1-2.
3. On September 13, 2019, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective July 1, 2019, that

Petitioner's MA application was denied for failure to provide verification to determine eligibility for assistance. Department Exhibit 1, pgs. c1-4.

4. 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 applied for MA on [REDACTED], 2019, with retro MA for March, April, and May 2019. On July 31, 2019, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, that was due August 12, 2019, for Petitioner to provide verification of assets and income to determine MA eligibility. The Department did not receive any verification by the due date of August 12, 2019. On September 13, 2019, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective July 1, 2019, Petitioner's MA application was denied for failure to provide verification to determine eligibility for assistance. BEM 503.

During the hearing, the FIM stated that the verifications were received on December 5, 2019 and December 6, 2019. This was after the due date of August 12, 2019, and after the denial of the MA application dated September 13, 2019. Petitioner is eligible to reapply. However, she stated that she was in the nursing home in March 2019, April 2019, and May 2019. Petitioner has missed the deadline for those dates for a new application. She stated that she was very ill and could not provide the verifications by the due date, but the Department is required to maintain timeliness standards when someone applies. Petitioner should have requested assistance from a family member to provide the required verification to determine MA eligibility.

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 denied the Petitioner's July 30, 2019 MA application with retro MA to March 2019 for failure to provide required verifications by the August 12, 2019 due date to determine MA eligibility.

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

Delta County via electronic mail

BSC1 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]