



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 13, 2019
MOAHR Docket No.: 19-008705
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 11, 2019, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Julie Bair, Hearing Facilitator, appear on its behalf with Samantha Gibson, Assistance Payments Worker. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 41-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for State Emergency Relief (SER)?

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility?

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] [REDACTED] 2019, Petitioner applied for assistance from the Department, including SER and MA.
2. On July 18, 2019, the Department mailed a verification checklist to Petitioner to obtain information to review Petitioner's eligibility for assistance. The verification

checklist instructed Petitioner to provide proof of her pre-paid debit card balance and proof of her bank account balances by July 25, 2019.

3. The Department did not receive Petitioner's proof as requested by July 25, 2019.
4. On July 26, 2019, the Department issued a State Emergency Relief Decision Notice which notified Petitioner that her request for SER was denied because she did not provide requested proof.
5. On July 26, 2019, Petitioner provided the Department with information in response to the Department's verification checklist.
6. On August 2, 2019, Petitioner requested a hearing to dispute the Department's decision.
7. On August 14, 2019, the Department issued a Health Care Coverage Determination Notice which notified Petitioner that her MA was going to be terminated effective August 1, 2019, because she did not provide requested proof.
8. The Department subsequently determined that it terminated Petitioner's MA in error.
9. On August 23, 2019, the Department issued a new Health Care Coverage Determination Notice which notified Petitioner that her MA was not going to be terminated.

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).

STATE EMERGENCY RELIEF

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

The Department denied Petitioner's request for SER due to her failure to provide requested verification by the due date. The Department must tell a client what verification is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. The Department must allow the client 8 calendar days to provide requested verification. ERM 103 (March 1, 2019), p. 6. The client must make a reasonable effort to obtain the required verifications. *Id.* The Department must deny SER when a client

refuses to take action or provide information within her ability. ERM 102 (October 1, 2018), p. 1. However, the Department must continue to process a SER application when a client is cooperating within her ability to provide information. ERM 103, p. 5.

The Department sent Petitioner a verification checklist which instructed Petitioner what verification was required, how to obtain it, and the due date. Petitioner received the verification checklist. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Petitioner did not provide the requested verification by the due date, so the Department concluded that Petitioner was not cooperating within her ability and denied her SER. Petitioner did not present any evidence to establish that she was cooperating within her ability. Therefore, I must find that the Department's denial was proper.

Although Petitioner provided a response to the Department's verification checklist one day late on July 26, 2019, there was no evidence that Petitioner had been cooperating within her ability up to the due date of July 25, 2019.

MEDICAL ASSISTANCE

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

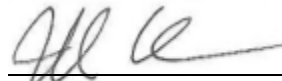
In this case, Petitioner asserted that she wanted to dispute her MA. However, the Department testified that they reinstated Petitioner's full-coverage MA and Medicare Savings Plan when it realized it had terminated Petitioner's coverage in error. The Department further testified that Petitioner has had no lapse in coverage. Petitioner did not present any evidence to the contrary. Thus, there is no evidence that Petitioner has been subjected to an adverse action related to her MA. Therefore, there is no evidence that the Department did not act in accordance with its policies or the applicable law.

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 did act in accordance with its policies and the applicable law when denied Petitioner's SER and when it determined Petitioner's eligibility for MA

IT IS ORDERED the Department's decisions are **AFFIRMED**.

JK/nr



Jeffrey Kemm
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

Carisa Drake
190 East Michigan
Battle Creek, MI
49016

Calhoun County DHHS- via electronic mail

BSC3- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

[REDACTED]
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[REDACTED], MI
[REDACTED]