



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: July 28, 2020
MOAHR Docket No.: 20-004112
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 July 23, 2020.

Petitioner resides in a long-term care facility (LTC) and was represented at the administrative hearing by her POA, [REDACTED].

The Department of Health and Human Services (Department) was represented by Susan Foreman, FIM.

The Department offered Exhibit A.76 admitted into the record without objection.

ISSUE

Did the Department properly deny Petitioner's Medicaid (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 [REDACTED] 2020, Petitioner applied for MA.
2. On February 10, 2020, the Department issued a Verification Checklist with verifications due February 20, 2020.
3. As of February 20, 2020, the requested verifications had not been received.

4. On March 3, 2020, the Department denied Petitioner's [REDACTED] 2020 application, on the grounds that the requested verifications were not submitted by the due date.
5. On June 1, 2020, 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, Petitioner argues in her hearing request that all verifications were supplied timely. The Department argues that Petitioner submitted verifications March 9, 2020, and March 12, 2020, after the February 20, 2020 due date.

General verification policy and procedure and other applicable policies are found at BAM 115 primarily, along with other general application and processing procedures in BEM and BAM.

Individuals who are asserting eligibility for welfare benefits have the burden of proof by a preponderance of evidence. Here, that burden falls on Petitioner.

In this case, unrefuted evidence of record is that the verifications were submitted on March 9, 2020, and March 21, 2020, after the February 20, 2020 due date. Petitioner argued at the administrative hearing that she was unaware that she could request an extension or that she could call her worker for an extension. However, the Verification Checklist states: "You must get the proofs to me or call me by the due date above. If you do not, your benefits may be denied...call me right away if you have questions or problems getting the proofs..." Exhibit A.72.

Under federal law, the Department is under strict mandates to ensure that a welfare beneficiaries file contains all necessary verifications prior to any issuance of benefits. Failure of the State of Michigan to carry out this mandate can subject the state to substantial financial penalties.

Under these facts, the Department has met its burden of going forward to establish that the Department has followed policy and procedure in processing Petitioner's MA application. Petitioner, however, has not met her burden of proof to establish eligibility under federal and state law. More specifically, Petitioner failed to comply with the Department's verification request and did not deliver requested verifications timely. As such, the Department was required to deny, and that denial is in accordance with Department policy and federal and state law.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

JS/ml



Janice Spodarek
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

Alison Gordon – Via Electronic Mail

Barry County DHHS – Via Electronic Mail

BSC3 – Via Electronic Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

Authorized Hearing Rep.

[REDACTED], MI [REDACTED]

Petitioner

[REDACTED], MI [REDACTED]