



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: March 28, 2018
MAHS Docket No.: 18-001231
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 conference hearing was held on 3/28/18, from Lansing, Michigan. The Petitioner personally appeared and testified. The Department of Health and Human Services (Department) was represented by Dena Zwart, Eligibility Specialist (ES) and Pualani Obrero, (ES).

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) case on the grounds that Petitioner failed to deliver requested 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. On 10/10/17 the Department issued a Wage Match Notice to Petitioner along with a DHS-4638 Wage Verification that Petitioner needed to return completed by 11/20/17.
2. On 1/17/18 the Department issued a Closure Notice for MA to Petitioner on the grounds that he failed to return requested verification timely.
3. On 1/25/18 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.

Specific policy with regard to verification is found primarily in BAM 220 and 802. That policy requires the Department to have in a beneficiary's file all necessary verifications to establish eligibility and ongoing eligibility prior to issuing welfare benefits. Failure by the Department to ensure that all necessary verifications are in a case file can subject the Department to significant financial penalties by the federal government.

Here, evidence shows that the Department followed its procedure with regard to issuing necessary verification requests along with due dates that complied with Department policy and procedure. The Department argues that it was required to deny Petitioner's application on the grounds that Petitioner failed to return necessary verifications as requested.

Here, the Department claims that it never received the form. Petitioner argues that on 10/6/17 he delivered the necessary form to the Department at the window at the local office, and that he was 110% sure he submitted it.

Individuals who received public assistance funds have the burden of proof to establish eligibility. Where each side is equally credible, the burden of proof must be weighed against the individual who has that burden.


Here, Petitioner has the burden, and, Petitioner had no proof of having delivered the verification. As such, Petitioner cannot prevail.

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's actions were correct and thus, must be upheld.

DECISION AND ORDER

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

JS/nr



Janice Spodarek
Administrative Law Judge
for Nick Lyon, 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 Administrative Hearing System (MAHS).

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

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS 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

Renee Olian
322 Stockbridge
Kalamazoo, MI
49001

Kalamazoo County DHHS- via electronic
mail

BSC3- via electronic mail

M. Best- via electronic mail

EQAD- via electronic mail

Petitioner

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