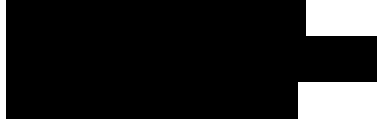




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 18, 2018
MAHS Docket No.: 18-002637
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 May 16, 2018, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Arnesia Woods, Hearing Facilitator and Howard Camp, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) benefit case?

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], 2017, Petitioner submitted a Federally Facilitated Marketplace Application Transfer (Exhibit B).
2. On December 11, 2017, Petitioner was automatically approved for MA benefits under the Healthy Michigan Plan (HMP) program and a Health Care Coverage Determination Notice was sent to Petitioner (Exhibit C).
3. On December 28, 2017, a Verification Checklist (VCL) was sent to Petitioner requesting verification of his assets (Exhibit D).

4. On March 15, 2018, the Department sent Petitioner a Health Care Coverage Determination Notice informing Petitioner that his MA benefit case was closing effective April 1, 2018, ongoing (Exhibit A).
5. Petitioner requested a hearing disputing the Department's actions.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner submitted an application for MA benefits through the Federally Facilitated Marketplace. In the application, Respondent indicated he had no income. As a result, Petitioner was automatically approved for MA benefits under the HMP program. However, after a review by the Department, it was determined Petitioner did not qualify for MA benefits under the HMP program, as he was a Medicare recipient. The HMP program provides health care coverage for individuals who are: (i) 19-64 years of age; (ii) do not qualify for or are not enrolled in Medicare; (iii) do not qualify for or are not enrolled in other Medicaid programs; (iv) are not pregnant at the time of application; (v) meet Michigan residency requirements; (vi) meet Medicaid citizenship requirements; and (vii) have income at or below 133% of the Federal Poverty Level. BEM 137 (January 2018), p. 1. The Department presented Petitioner's State On-Line Query (SOLQ) report showing Petitioner is an active Medicare recipient (Exhibit E). Therefore, the Department properly determined Petitioner was not eligible for MA benefits under the HMP program.

As a disabled individual, Petitioner is potentially eligible for MA benefits under the SSI-related programs. BEM 163 (July 2017, p.1 and BEM 166 (April 2017), p.1. For most SSI-related MA categories, the asset limit is \$2,000 for a group of one and \$3,000 for a group of two. BEM 400 (January 2018), p. 8. On December 28, 2017, the Department sent Petitioner a VCL requesting verification of his assets to determine his eligibility under the SSI-related MA programs (Exhibit D). Proofs were due January 8, 2018.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client

what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130 (April 2017), p. 7. If the client cannot provide the verification despite a reasonable effort, the Department will extend the time limit up to two times. BAM 130, p. 8. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

Petitioner did not submit verification of his assets by January 8, 2018. In early March 2018, Petitioner's caseworker had a conversation with Petitioner about the verification that was requested. Petitioner indicated he believed he was not required to submit the verifications. Petitioner was advised the verifications were necessary to determine eligibility, but he continued to refuse to submit the proofs. As a result, the Department sent Petitioner a Health Care Coverage Determination Notice on March 15, 2018 closing his MA benefit case effective April 1, 2018, ongoing.

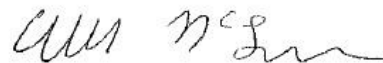
Petitioner testified that he did not receive the VCL until January 8, 2018, the date the verifications were due. However, Petitioner acknowledged that when he spoke with his caseworker, he refused to provide the verifications. Petitioner testified that he was told by an individual with the U.S. Department of Veterans Affairs that he would not need to submit documentation and that he should be automatically approved for MA benefits based on his disability and veteran status.

For SSI-related MA, the Department must verify the value of countable assets at application, redetermination or when a change is reported to determine eligibility. BEM 400, p. 59. Petitioner refused to submit the required verifications. Therefore, the Department acted in accordance with policy when it closed Petitioner's MA benefit case.

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 closed Petitioner's MA benefit case. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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) 763-0155; 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

Via Email:

MDHHS-Wayne-57-Hearings
M. Best
EQAD
BSC4- Hearing Decisions
MAHS

Petitioner – Via First Class Mail:

