



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: February 1, 2019  
MAHS Docket No.: 18-010826  
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 2, 2019, from Lansing, Michigan. Petitioner was represented by her authorized hearing representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by Christine Brown, Hearing Representative.

### **ISSUE**

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

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was a recipient of MA and Medicare Savings Program (MSP) with a redetermination due in September 2018.
2. On September 19, 2018, the Department Caseworker sent her a Verification Checklist, DHS-3503, that was due October 1, 2018 for written verifications to determine continued eligibility. Department Exhibit 1, pgs.16-21.
3. On September 27, 2018, Petitioner submitted to the Department her redetermination application and verifications that were not viewed until October 26, 2018. Department Exhibit 1, pgs. 9-15 and 22-25.

4. On October 2, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective November 1, 2018, that Petitioner was not eligible MA and MSP. Department Exhibit 1, pgs. 6-8.
5. On October 15, 2018 Petitioner resubmitted to the Department her redetermination application and verifications. Department Exhibit 1, pgs. 9-15 and 22-25.
6. On October 15, 2018, the Department received a hearing request from the 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 was a recipient of MA and Medicare Savings Program (MSP) with a redetermination due in September 2018. On September 19, 2018, the Department Caseworker sent her a Verification Checklist, DHS-3503, that was due October 1, 2018, for written verifications to determine continued eligibility. Department Exhibit 1, pgs.15-21. On October 2, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective November 1, 2018, Petitioner was not eligible MA and MSP. Department Exhibit 1, pgs. 6-8. On October 15, 2018, Petitioner submitted to the Department her redetermination application and verifications. Department Exhibit 1, pgs. 9-15 and 22-25. On October 15, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.

During the hearing, the Department stated that the verifications received on October 15, 2018, did not include an account balance, so the Department still could not determine if she was still eligible for MA and MSP. The hearing summary that was sent out on October 18, 2018, which put Petitioner on notice that the submitted verifications were not sufficient. Petitioner and her authorized representative failed to submit a copy of the account balance for the last 30 days to determine continued eligibility for MA and MSP. As a result, Petitioner's MA and MSP benefits ended on October 31, 2018. Petitioner is entitled to reapply for MSP and MA with retro benefits for unpaid medical

bills. If she applies in the month of January, she may be eligible for MSP for the month of January 2019 and MA retroactive to November 2018.

**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 determined that Petitioner failed to verify her account balance, which resulted in the closure of her MA and MSP benefits.

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

CF/hb



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**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 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

**DHHS**

Linda Gooden  
25620 W. 8 Mile Rd  
Southfield, MI 48033

Oakland County, DHHS

BSC4 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

**Petitioner**

Henrietta Holley  
31061 Pointe Of Woods Dr  
Apt 3  
Farmington Hills, MI 48334

**Authorized Hearing Rep.**

[REDACTED], MI