



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: December 27, 2018
MAHS Docket No.: 18-012023
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 December 19, 2018, from Lansing, Michigan. Petitioner's mother, [REDACTED], appeared for Petitioner. Eligibility Specialist, Jacquelyn Martin, and Assistance Payments Supervisor, Tamia McGlothlin, appeared for the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 12-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

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. Petitioner was a recipient of MA through the Department's Healthy Michigan program.
2. On October 4, 2018, the Department issued a Redetermination to Petitioner to obtain information to review his eligibility for MA. The Department instructed Petitioner to respond by November 5, 2018.

3. On October 16, 2018, the Department issued a Verification Checklist to Petitioner to obtain verification of his income to review his eligibility for MA. The Department instructed Petitioner to respond by October 26, 2018.
4. Petitioner did not respond to the Department's October 16, 2018, Verification Checklist by October 26, 2018. Petitioner was studying abroad when the Verification Checklist was mailed to him, so he did not receive it timely and could not respond.
5. On October 29, 2018, the Department issued a Health Care Coverage Determination Notice which notified Petitioner that he was going to be ineligible for MA as of December 1, 2018, because he failed to provide requested verification.
6. On November 9, 2018, Petitioner requested a hearing to dispute the Department's decision. Petitioner provided the requested verification with his hearing request. Petitioner still has not responded to the Department's October 4, 2018, Redetermination 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.

The Department's October 29, 2018, decision found Petitioner ineligible for MA due to his failure to provide requested verification. 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 10 calendar days to provide requested verification. BAM 130, p. 8. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. BAM 130, p. 8. Verifications are only considered timely if they are received by the due date. BAM 130, p. 8. The Department must send a Negative Action Notice when the due date lapses or the client has refused to provide the verification. BAM 130, p. 8.

The Department sent Petitioner a Verification Checklist which instructed Petitioner what verification was required, how to obtain it, and the due date. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Petitioner failed to provide the requested verification by the due date, so the Department properly issued a Notice of Case Action which found Petitioner ineligible for MA due to his failure to provide the requested verification.

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 it found Petitioner ineligible for MA effective December 1, 2018.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
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

DHHS

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI
49507

Kent County DHHS- via electronic mail

BSC3- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]