



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]

Date Mailed: May 28, 2021  
MOAHR Docket No.: 21-001851  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **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 26, 2021. The Petitioner was self-represented. The Department of Health and Human Services (Department) failed to appear for the hearing. The hearing was scheduled for 2:10 PM and concluded at 2:35 PM.

### **ISSUE**

Did the Department properly deny Petitioner's Medical Assistance (MA) Medicare Savings Program (MSP) 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. Petitioner submitted an application for MA MSP benefits.
2. The Department requested verification of Petitioner's checking account.
3. Petitioner did not receive the request for verification of his checking account until a week after its due date because of delays by the United States Postal Service.
4. Petitioner contacted his case worker and advised that he had not received the request until after the due date, but she said it was not her fault.
5. The Department issued a notice to Petitioner advising him that he was denied MA MSP benefits because he failed to verify his checking account.

6. On April 14, 2021, Petitioner submitted his request for hearing disputing the Department's denial of his MA MSP Application.

### **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's MA MSP Application was denied because he failed to submit verification of his checking account to the Department by the due date. Assets are considered in determining a person's eligibility for MA MSP benefits. BEM 400 (January 2021), pp. 1, 6-9. Assets must be verified at application, redetermination, or when a change is reported. BEM 400, p. 61; BAM 130 (January 2021), p. 1. In MA cases, the Department must provide the client with ten calendar days to provide the verification requested. BAM 130, p. 8. If the client cannot provide the verification despite a reasonable effort, the Department should extend the time limit up to two times to allow the client to provide the verification. *Id.* Extensions are provided when the customer requests the extension, there is a need for the extension and reasonable efforts have been taken to obtain the verifications, and the Department makes every effort to assist. *Id.* Case action notices are sent when the client refuses to provide verification, or the time period has lapsed. *Id.*

Petitioner did not receive the request for verification of his checking account until a week after the due date because of delays by the United States Postal Service. Upon receiving the request, he contacted his case worker who acted like there was nothing she could do to assist. In reality, given the circumstances, Petitioner's case worker could have assisted Petitioner by extending the deadline for him to provide verifications as he was asking for help when he called, and he had done what he could in the time provided. Therefore, the Department erred in denying Petitioner's Application for failure to provide the requested verification of his checking account.

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 not act in accordance with Department policy when it denied Petitioner's MA MSP Application.

**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess Petitioner's Application for MA;
2. If otherwise eligible, issue supplements to Petitioner for benefits not previously received; and,
3. Notify Petitioner in writing of its decision.

AMTM/cc



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**Amanda M. T. Marler**

Administrative Law Judge  
for Elizabeth Hertel, 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

**Via Email:**

MDHHS-Wayne-57-Hearings  
BSC4-HearingDecisions  
EQADHearings  
C. George  
MOAHR

**Petitioner- Via USPS:**

