



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 7, 2021  
MOAHR Docket No.: 21-001858  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm**

### **HEARING DECISION**

On March 25, 2021, Petitioner, [REDACTED], requested a hearing to dispute the Department's decision to find Petitioner ineligible for Medical Assistance (MA). As a result, a hearing was scheduled to be held on May 5, 2021, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Dawn Elford, Family Independence Manager, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 14-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

### **ISSUE**

Whether the Department properly found Petitioner ineligible for 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. Medicare Savings Program is a form of MA provided by the Department.
2. On [REDACTED] 2021, Petitioner applied for Medicare Savings Program from the Department.
3. On February 19, 2021, the Department mailed a verification checklist to Petitioner to obtain information to determine her eligibility for MA. The verification checklist instructed Petitioner to provide various documents, including verification of the value of her 401(k) account. The verification checklist advised

Petitioner that she was required to provide the requested information by March 1, 2021.

4. Petitioner did not provide verification of her 401(k) account by March 1, 2021, as requested by the Department.
5. Petitioner believes that she closed her 401(k) account.
6. On March 30, 2021, the Department mailed a healthcare determination notice to Petitioner to notify her that she was ineligible for Medicare Savings Program coverage because she did not provide necessary verifications.
7. Petitioner is disputing the Department's decision to find her ineligible for Medicare Savings Program.

### **CONCLUSIONS OF LAW**

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner is disputing the Department's decision to deny Petitioner's [REDACTED], 2021, MA application for failing to provide information as instructed.

Verification is usually required by the Department at the time of application. BAM 130 (January 1, 2021), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 8. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the due date lapses or the client has refused to provide the verification. *Id.*

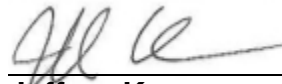
The Department sent Petitioner a verification checklist which instructed Petitioner what verification was required, how to obtain it, and the due date. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Based on the evidence presented, the Department did not receive the requested verification by the due date. Thus, I must find that Petitioner failed to provide the requested verification by the due date. Therefore, the Department properly denied Petitioner's application for MA.

**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 its policies and the applicable law when it found Petitioner ineligible for Medical Assistance.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/cc



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**Jeffrey Kemm**

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-GrandTraverse-Hearings  
BSC1-HearingDecisions  
EQADHearings  
C. George  
MOAHR

**Petitioner- Via USPS:**

