



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: February 4, 2022
MOAHR Docket No.: 21-005974
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an administrative hearing was held on 1/20/2022. Petitioner personally appeared unrepresented. The Department of Health and Human Services (Department) was represented by Carly Osplund, AP Supervisor.

Department Exhibit A.34 was offered and admitted into the record.

ISSUE

Did the Department properly deny Petitioner's Medicaid (MA) 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. On [REDACTED] 2021 Petitioner applied for MA, including retro-MA.
2. On 8/31/2021 the Department issued a Verification Checklist with verifications due by 9/10/2021.
3. To date, the Department does not have all of the requested verifications.
4. On 10/7/2021 the Department denied Petitioner's application due to failure to submit the necessary verifications.
5. On 10/28/2021 Petitioner filed a timely hearing 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.

In this case, unrefuted evidence of record is that Petitioner failed to deliver the requested verifications to process her case by the due date. In fact, Petitioner admitted at the administrative hearing that she still had not submitted the verifications.

The purview of an Administrative Law Judge is to review the Department's action, and, to make a determination if the evidence of record supports that action taken by the Department. After the Department meets its burden of going forward, Petitioner has burden of proof to show that the action is not support by the evidence and is contrary to law or policy. ALJs do not have any jurisdiction to deviate from law or policy due to individual circumstances.

After a careful review of the credible and substantial evidence of record herein, the undersigned finds that the Department followed its policy and that the evidence of record supports the action taken. Petitioner did not meet her burden of proof. The administrative law judge is required to review the evidence at the time of the denial. Petitioner argued that she was in the hospital in █████ 2021 for three days which impacted her ability to comply with the verification request in September, 2021. The evidence does not show that Petitioner's █████ 2021 hospitalization impacted her day-to-day activities in mid-September, 2021. Under these facts, the undersigned does not find good case.

The State of Michigan is under strict federal mandates to ensure that a beneficiary's file contain all required verifications to support eligibility for all welfare programs. Failure to obtain required verifications can subject the State of Michigan to significant financial penalties.

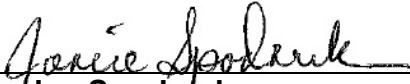
As the evidence supports that the Department correctly followed its policy and procedure, and as unrefuted evidence of record is that Petitioner failed to submit the requested verifications by the due date, the Department's denial must be upheld. Petitioner understands that she may reapply at any time.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

JS/ml



Janice Spodarek
Administrative Law Judge

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

Electronic Mail Recipients:

MDHHS-906CentralHearings
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