



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: June 30, 2022  
MOAHR Docket No.: 22-002290  
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 June 29, 2022. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Johnia Hudgins, Assistance Payments Worker.

### **ISSUE**

Did Petitioner submit a timely appeal of the denial of his [REDACTED] 2021 application?

Did the Department properly deny Petitioner's [REDACTED] 2021 application for Medical Assistance (MA) Program benefits?

Did the Department properly deny Petitioner's [REDACTED] 2021 application for MA benefits?

### **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, the Department received Petitioner's application for MA benefits.
2. On December 9, 2021, the Department issued a Health Care Coverage Determination Notice (HCCDN) informing Petitioner that his MA application had been denied due to excess assets.
3. On [REDACTED] 2022, the Department received Petitioner's second application for MA benefits.

4. On March 31, 2022, the Department issued another HCCDN to Petitioner advising him that his second application had been denied due to excess assets.
5. The Department did not seek verification of Petitioner's assets before denying either application.
6. On May 31, 2022, the Department received Petitioner's request for hearing disputing the denial of MA benefits.

### **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, the Department denied Petitioner's first and second application for MA benefits due to excess assets without having verified Petitioner's financial/asset circumstances. In addition, Petitioner submitted a request for hearing more than five months after the denial of his first application.

Pursuant to policy, all requests for hearing must be received within the 90 days following a notice of case action. BAM 600 (March 2021), p. 6. The Department issued the HCCDN on December 9, 2021 and Petitioner's request for hearing was not received by the Department until May 31, 2022. Therefore, Petitioner's request for hearing was not received timely and the portion of his hearing request attributable to the denial of his [REDACTED] 2021 application is DISMISSED. The portion of Petitioner's request for hearing related to the denial of his [REDACTED] 2022 application is addressed below.

The Department is required to verify assets in MA cases when the client is seeking MA benefits based upon age, blindness, or disability. BEM 400 (April 2022), pp. 6, 61. When the Department received Petitioner's application in [REDACTED] 2022, the Department failed to verify Petitioner's assets before denying his application based upon excess assets. Therefore, the Department did not act in accordance with Department policy when it denied Petitioner's second application.

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 denied Petitioner's second application.

**DECISION AND ORDER**

The portion of Petitioner's request for hearing attributable to the [REDACTED] **2021 application** for MA benefits is **DISMISSED**.

The Department's decision is **REVERSED** with respect to Petitioner's [REDACTED] **2022 application** for MA benefits.

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 [REDACTED] 2022 application for MA benefits;
2. If otherwise eligible, issue supplements to Petitioner or on his behalf 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

**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-Electronic Mail :**

**Interested Parties**

MDHHS-Wayne-15-Greydale-Hearings  
BSC4-HearingDecisions  
EQADHearings  
C. George  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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