



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: April 18, 2023
MOAHR Docket No.: 23-000651
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 March 21, 2023, from Lansing, Michigan. The Petitioner was represented by herself. Petitioner's son ██████ ██████ appeared and testified for the Petitioner. The Department of Health and Human Services (Department) was represented by Brad Reno, Hearing Facilitator. Department Exhibit 1, pp. 1-82 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) and Medicare Savings Program applications for failing to verify assets?

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 ██████████ ██████ 2021, Petitioner applied for MA.
2. On December 13, 2021, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was denied for failing to return required paperwork.
3. On ██████████ ██████ 2022, Petitioner applied for MA and MSP.
4. On November 16, 2022, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her application was denied for failing to return required paperwork.

5. On [REDACTED] 2022, Petitioner applied for MA and MSP.
6. On January 30, 2023, Petitioner requested hearing disputing the denial of MA and MSP.
7. At hearing, the Department representative acknowledged that Petitioner submitted asset verifications prior to the deadline and agreed to reprocess her MA and 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.

Deadlines for Requesting a Hearing

All Programs

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days. BAM 600

Medicaid

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Refer to policy in this item for citizenship verifications. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to two times.

At renewal if an individual is required to return a pre-populated renewal form, allow 30 calendar days for the form to be returned.

At application, renewal, ex parte review, or other change, explain to the client/authorized representative the availability of your assistance in obtaining needed information. Extension may be granted when the following exists:

- The customer/authorized representative need to make the request. An extension should not automatically be given.
- The need for the extension and the reasonable efforts taken to obtain the verifications are documented.

- Every effort by the department was made to assist the client in obtaining verifications.

Verifications are considered to be timely if received by the date they are due. BAM 130

In this case, with regard to the [REDACTED] [REDACTED] 2021, application, that application was denied on December 13, 2021. If Petitioner was disputing that denial, she needed to request a hearing within 90 days, because Petitioner did not request a hearing until January 30, 2023, her request to dispute that denial is untimely. BAM 600

With regard to the [REDACTED] [REDACTED] 2022, application the Department representative at hearing agreed that Petitioner submitted asset verifications prior to the deadline and agreed to reprocess her MA and MSP Applications. Therefore, the denial for failing to return verifications was improper and incorrect. BAM 130 Petitioner was satisfied with that outcome with regard to the [REDACTED] [REDACTED] 2022, 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 [REDACTED] [REDACTED] 2021, 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 did not act in accordance with Department policy when it denied Petitioner's [REDACTED] [REDACTED] 2022, application because Petitioner did submit the requested verifications prior to the deadline.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to [REDACTED] [REDACTED] 2021, application and **REVERSED IN PART** with respect to [REDACTED] [REDACTED] 2022, application.

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. Reinstate and reprocess Petitioner's [REDACTED] [REDACTED] 2022, MA, and MSP applications.
2. Award benefits and activate coverage if Petitioner is found eligible.



AM/nr

Aaron McClintic
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

