



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.: 23-000771  
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 23, 2023, from Lansing, Michigan. The Petitioner was represented by her daughter and guardian ██████████ ██████████. The Department of Health and Human Services (Department) was represented by Susan Derseweh Hearing Facilitator. Department Exhibit 1, pp. 1-44 was received and admitted.

### **ISSUE**

Did the Department properly deny Petitioner's Medical Assistance (MA) application for failing to verify household income and 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 ██████████ ██████████ 2022, Petitioner applied for MA.
2. On December 1, 2022, a Verification Checklist was sent to Petitioner requesting verification of household income and assets.
3. On December 13, 2022, an extension was granted to allow Petitioner more time to submit requested verifications.
4. On January 4, 2023, Petitioner submitted an Asset Declaration but provided no information about her husband.
5. Petitioner's daughter and guardian, ██████████ ██████████ requested asset information from Petitioner's husband but received no response.

6. On January 23, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her application was denied for failing to verify income and assets.
7. On February 8, 2023, Petitioner requested hearing disputing the denial of MA.

### **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.

### **INFORMATION UNAVAILABLE**

#### **SSI-Related MA Only**

A spouse remains the applicant's spouse for Medicaid eligibility until there is a Judgement of Divorce. If the community spouse's whereabouts are unknown (a couple separated prior to the client entering an LTC/hospital setting and the client does **not** know where the spouse is living or how to contact the spouse), the client's countable assets are compared to the appropriate asset limit in BEM 400 to determine eligibility.

**Refusal** of the community spouse to provide necessary information or verification about his assets results in ineligibility for the client. BEM 400

In this case, Petitioner is living separately from her husband and has limited contact with him. Petitioner's daughter reached out to Petitioner's husband and requested that he provide income and asset information so that Petitioner could pursue MA benefits. Petitioner's husband refused to cooperate with providing his income and asset information. Department policy specifically states that "refusal of the community spouse to provide necessary information or verification about his assets results in ineligibility for

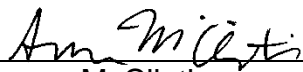
the client". BEM 400 Therefore, the denial for failure to verify assets for Petitioner's spouse was consistent with Department policy.

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 MA application for failing to verify her husband's income and assets.

**DECISION AND ORDER**

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

AM/nr

  
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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

**Via-Electronic Mail :**

**DHHS**

Susan Derseweh  
Genesee County DHHS Clio Rd Dist.  
4809 Clio Road  
Flint, MI 48504

**MDHHS-Genesee-Clio-  
Hearings@michigan.gov**

**Interested Parties**

Genesee Clio County DHHS  
BSC2  
D. Smith  
EQAD  
MOAHR

**Via-First Class Mail :**

**Authorized Hearing Rep.**

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**Petitioner**

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