



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
DIRECTOR

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Date Mailed: March 8, 2024  
MOAHR Docket No.: 23-009079  
Agency No.: ██████████  
Petitioner: ██████ ██████

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**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 February 8, 2024, from Lansing, Michigan. ██████ ██████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Susan Derseweh, Hearing Coordinator (HC).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-25.

**ISSUE**

Did the Department properly determine Petitioner's eligibility for Medical Assistance (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 October ██████ 2023, Petitioner submitted a Redetermination for her MA case. (Exhibit A, pp. 4-10)
2. On November ██████ 2023, a Verification Checklist was issued to Petitioner requesting verification of all earned and unearned income for the last 30 days, as well as self-employment expense records over the last year with a due date of November 27, 2023. (Exhibit A, pp. 11-12)

3. On November █ 2023, Petitioner submitted one paycheck stub for pay date November 13, 2023 as well as verification of checking and savings accounts. (Exhibit A, pp. 13-14)
4. On November █ 2023, a Health Care Coverage Determination Notice was issued stating MA was denied effective January 1, 2024 based on a failure to return verification of income. (Exhibit A, pp. 15-18)
5. On December 6, 2023, Petitioner submitted a hearing request contesting the Department's determination and included a paycheck stub for pay date November 27, 2023. (Exhibit A, pp. 19-21)

### **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 general, verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, October 1, 2023, pp. 1-4.

For MA, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the Department can extend the time limit up to two times when specific conditions are met. Verifications are considered timely if received by the date they are due. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, pp. 8-9.

On November █ 2023, a Verification Checklist was issued to Petitioner requesting verification of all earned and unearned income for the last 30 days, as well as self-employment expense records over the last year with a due date of November 27, 2023. (Exhibit A, pp. 11-12). On November █ 2023, Petitioner submitted one paycheck stub for pay date November █ 2023 as well as verification of checking and savings accounts. (Exhibit A, pp. 13-14). On November █ 2023, a Health Care Coverage Determination Notice was issued stating MA was denied effective January 1, 2024 based on a failure to return verification of income. (Exhibit A, pp. 15-18).

Petitioner testified that she had sent two months of her income to the Department by fax. However, Petitioner's testimony indicated that was sent around December █ 2023. Accordingly, that was after the November █ 2023 determination. Further, the HC testified that the Department did not receive that fax. Rather, the December 18, 2023 case comments indicate Petitioner was going to have the union she works for email her pay history. The HC testified that the Department has not received such an email either. (Exhibit A, p. 23; HC Testimony).

Overall, the evidence supports the Department's November █ 2023 determination based on the information available at that time. The November █ 2023, Verification Checklist requested verification of all earned and unearned income for the past 30 days as well as self-employment expenses with a due date of November 27, 2023. Petitioner only submitted a single paycheck stub for income verification by the due date. Further, it appears that it was not until the December █ 2023 prehearing conference that Petitioner confirmed her only employment is the union janitor job, she is paid weekly, and she is not self-employed. (Exhibit A, p. 23). There was also no evidence that Petitioner had requested an extension of the due date or any assistance with obtaining the requested verifications by the November 27, 2023 due date. Accordingly, the Department properly denied ongoing MA benefits as Petitioner did provide all requested verifications by the November 27, 2023 due date.

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 determined Petitioner's eligibility for MA benefits based on the information available at the time of the November 28, 2023 determination.

**DECISION AND ORDER**

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

CL/dm

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

**SchaferM**

**EQADHearings**

**BSC2HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

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