



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: May 13, 2024  
MOAHR Docket No.: 24-002486  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

### **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 April 17, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Shana Bush, Hearing Facilitator.

### **ISSUE**

Did the Department properly deny Medical Assistance (MA) for Petitioner?

### **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] 2023, Petitioner completed an application for MA benefits.
2. Petitioner is [REDACTED] years old and works full-time at [REDACTED] (Exhibit A, pp. 4-5, 9).
3. On December 11, 2023, the Department sent Petitioner a Verification Checklist (VCL) letter requesting proof of any earned or unearned income from the last 30 days with a December 21, 2023 due date. (Exhibit A, pp. 10-11).
4. On December 26, 2023, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) denying her application for MA benefits because she failed to verify information necessary for the Department to determine her eligibility. (Exhibit A, pp. 12-14).

5. On March 7, 2024, the Department received a request for hearing from Petitioner disputing its denial.

### **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 connection with Petitioner's MA application, the Department denied Petitioner's MA case effective December 2023 because Petitioner failed to verify her employment in order for the Department to determine her MA eligibility.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

For MA cases, clients are given 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, pp. 7-9. If the client cannot provide the verification despite a reasonable effort, the Department is to extend the time limit to submit the verifications up to two times. BAM 130, pp. 7-9. Verifications are considered to be timely if received by the date they are due. BAM 130, pp. 7-9. The Department will send a negative action when the client indicates refusal to provide a verification, or the time period given has lapsed. BAM 130, pp. 8-9.

In this case, Petitioner did not provide employment verification by the due date noted on the VCL. With her request for hearing, Petitioner provided a copy of her 2023 W-2 and a bank statement from January/February 2024 which included two direct deposits from Employer in the amount of [REDACTED] on both January 31, 2024 and February 15, 2024. At the hearing, Petitioner testified that the proofs provided with her hearing request were

a true and accurate reflection of her earnings from Employer. The Department then testified that the provided proofs were untimely, submitted well after the December 26, 2023 Notice of Case Action denying the application, and even in the above proofs were submitted timely, the information provided would have been insufficient to satisfy the Department's because they did not include her hours worked or her gross earnings for a 30-day period. Petitioner testified that she was attempting to comply with the Department's information request and that she was unaware that the documentation provided would have been considered insufficient and untimely.

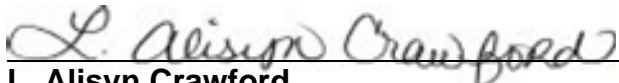
There was no evidence presented that Petitioner requested an extension of time to submit the requested verifications. There was also no evidence presented that Petitioner requested assistance from the Department to obtain the verification. As such, the Department properly denied Petitioner's MA application due to a failure to provide requested verifications in a timely manner. Petitioner is advised that she can reapply.

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 failure to respond to its verification request timely.

**DECISION AND ORDER**

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

LC/ml

  
**L. Alisyn Crawford**  
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**  
Vivian Worden  
Macomb County DHHS Mt. Clemens Dist.  
44777 Gratiot  
Clinton Township, MI 48036  
**MDHHS-Macomb-12-Hearings@michigan.gov**

**Interested Parties**

BSC4  
M Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
MI [REDACTED]