



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]
[REDACTED], MI [REDACTED]

Date Mailed: June 25, 2024
MOAHR Docket No.: 24-003236
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on May 30, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Beverly Wilkerson, Eligibility Specialist, and LaShona Callen, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's Medicaid (MA) coverage effective April 1, 2024?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing recipient of MA benefits.
2. On January 4, 2024, the Department sent Petitioner a redetermination application for MA, with a request for income verification, and a due date of February 5, 2024. (Exhibit B, pp. 1 – 9).
3. On February 4, 2024, Petitioner completed a redetermination application for MA through MiBridges. (Exhibit A, pp. 8 – 11).

4. On February 24, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) denying Petitioner's MA and closing her MA case for failure to verify requested information. (Exhibit A, pp. 14 – 17).
5. On March 27, 2024, the Department received a request for hearing from Petitioner, disputing the denial and/or closure of MA. (Exhibit A, pp. 4 – 7).
6. On April 1, 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting Petitioner provide paystubs and a Schedule C by April 11, 2024. (Exhibit A, pp. 18 – 25).

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.

Petitioner requested a hearing to dispute denial and closure of her MA case. The Department closed Petitioner's MA case for failure to provide verification of income.

The Department must complete a full review of eligibility factors for MA clients annually unless the client's MA coverage is specifically exempted. BAM 210 (January 2024), pp. 1, 3 – 5. A MA review begins by the Department sending the client a redetermination application which includes the application, required verifications, a due date, and any other actions or information required by the Department. BAM 210, p. 9. When an interview is not required, verifications are due on the same date the redetermination application is due. BAM 210, p. 18. When verifications are required, the Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (October 2023), p. 3. For MA, non-farming self-employment income is verified through a federal personal income tax return and/or a federal Schedule C. BEM 502 (October 2019), p. 7. The Department sends a Notice closing the client's case when the client refuses to provide the verification, or when the verification due date has passed and the client has not made a reasonable effort to provide the requested documents. BAM 130, pp. 7 – 8.

In this case, the redetermination application included a general list of required verifications for each type of income Petitioner may report on the application. (Exhibit B, p. 2). Petitioner completed the redetermination application for MA through MiBridges on February 4, 2024 and disclosed income from employment and self-employment. (Exhibit A, pp. 8 – 11). The Department denied Petitioner's MA and closed her case on February 24, 2024. (Exhibit A, pp. 14 – 17).

At the hearing, the Department testified that the denial of Petitioner's MA on February 24, 2024 was done in error and that it sent a VCL to Petitioner on April 1, 2024 requesting Petitioner provide her paystubs and Schedule C to the Department by April 11, 2024. (Exhibit A, pp. 18 – 25). During the hearing, Petitioner admitted she had just received her Schedule C from her tax professional and had not yet submitted it to the Department. While Petitioner also testified that she attempted to provide 30 days of paystubs to the Department sometime in February or March, the Department had no record of having received any paystubs as of the date of the hearing. (Exhibit A, p. 12). Therefore, while the Department's denial of Petitioner's MA on February 24, 2024 was done in error, when the Department sent Petitioner the VCL on April 1, 2024, and because Petitioner did not provide the requested verifications by the April 11, 2024 VCL due date, the Department's action in denying Petitioner's MA was ultimately proper and in accordance with policy.

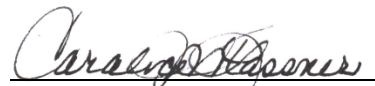
The Department advised Petitioner during the hearing that she may reapply for MA and request retroactive benefits for up to three months if she had outstanding medical expenses for any of those months.

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 and closed Petitioner's MA case.

DECISION AND ORDER

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

CML/nr



Caralyce M. Lassner
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
Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
**MDHHS-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties
BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

Petitioner
[Redacted]
MI [Redacted]