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GOVERNOR

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

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Date Mailed: July 5, 2024
MOAHR Docket No.: 24-004236
Agency No.: ██████████
Petitioner: ██████████

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 June 10, 2024. Petitioner was present at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payment Supervisor.

ISSUE

Did the Department properly deny Petitioner’s Medical Assistance (MA) application?

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 ██████████ 2024, Petitioner submitted an application to the Department for MA program benefits. (Exhibit A, p. 1).
2. In his application, Petitioner indicated that he was employed at ██████████ (██████).
3. On March 14, 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting proof of all earned and unearned income for the last 30 days in order to determine his eligibility for MA. (Exhibit A, pp. 6-7). Petitioner’s income verifications were due back to the Department by March 25, 2024. (Exhibit A, p. 6).
4. On March 26, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) informing him that his application for MA was denied for failure to provide verification of income. (Exhibit A, pp. 8-10).

5. On April 8, 2024, Petitioner requested a hearing to dispute the denial of his MA application. (Exhibit A, pp. 3-5).

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 following the Department's denial of MA coverage due to Petitioner's failure to timely submit requested verification. Petitioner disputes the Department's action.

Income from employment must be verified at application. BEM 501 (January 2024), pp. 6, 10. For MA programs, the Department should allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. BAM 130 (October 2023), p. 8.

Verifications are considered to be timely if received by the date they are due. BAM 130, pp. 8-9. Department policy states that verifications may be electronically transmitted via fax, email or Mi Bridges document upload, and the date of the transmission is the receipt date. BAM 130, p. 8. The Department sends a negative action notice when: (1) the client indicates a refusal to provide a verification, or (2) the time period given has elapsed and the client has not made a reasonable effort to provide the verification. BAM 130, p. 9.

Here, Petitioner testified that he called the contact number provided on the VCL request (M. Connection 844-464-3447) on March 22, 2024, and was told that he could submit his paystubs to the Department via email. Petitioner testified that the local office provided the email address mdhhs-oakland-south@michigan.gov, which is consistent with the contact information in the upper-right hand corner of the VCL, and instructed to include his name and case number on the documents he wished to submit. Petitioner credibly testified that he provided the requested verification by email on March 22, 2024. At the hearing, the Department testified that the only way to submit a verification to the Department was by uploading documents to Mi Bridges, by fax submission, or by bringing documents to a local office in person. However, policy does allow for submission of verification via email, and the VCL does not identify how the verifications should be delivered. Rather, it provides that the client may call if they have any

questions regarding the VCL, supporting Petitioner's testimony that he called for information about how he should submit his income proofs.

Petitioner further testified that he went to the local office on April 2, 2024 and submitted his paystubs/earnings statement from [REDACTED] which the Department acknowledged receiving but did not process. Subsequently, Petitioner re-applied for MA coverage on May 25, 2024 and reported that his position was eliminated at [REDACTED], and he was no longer employed as of [REDACTED], 2024.

Given the evidence, Petitioner properly provided verifications timely and in accordance with policy standards, with a second copy submitted April 2, 2024. The Department failed when it did not process Petitioner's verification. Thus, the corresponding denial of MA coverage for March 2024 ongoing was improper.

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 did not process Petitioner's timely submitted verification and denied his March 2024 MA application for failure to verify.

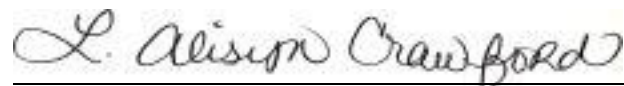
DECISION AND ORDER

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

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. Redetermine Petitioner's MA eligibility from March 1, 2024 ongoing;
2. If eligible, provide Petitioner with the most beneficial MA coverage he is eligible to receive from March 1, 2024 ongoing; and
3. Notify Petitioner in writing of its decision.

LC/pt



L. Alisyn Crawford
Administrative Law Judge

