



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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Date Mailed: March 21, 2022
MOAHR Docket No.: 22-000298
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On January 18, 2022, Petitioner, ██████████, requested a hearing to dispute the Department's decision to find her spouse, ██████████, ineligible for Medicare Savings Program (MSP). As a result, a hearing was scheduled to be held on March 17, 2022, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner appeared with her spouse, ██████████. Respondent, Department of Health and Human Services (Department), had Sylvia Copeland, Assistance Payments Worker, and Maia Elvine-Fair, Assistance Payments Supervisor, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 18-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly found ██████████ ineligible for MSP?

FINDINGS OF FACT

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

1. ██████████ turned ██████████, so the Department initiated the process to determine whether he was eligible for MSP.
2. On December 2, 2021, the Department mailed a health care coverage supplemental questionnaire to Petitioner to obtain information to determine whether ██████████ was eligible for MSP.

3. The health care coverage supplemental questionnaire instructed Petitioner to complete the questionnaire and then return it to the Department by December 13, 2021.
4. Petitioner did not receive the health care coverage supplemental questionnaire in time to respond.
5. Petitioner received the health care coverage supplemental questionnaire in January 2022.
6. Petitioner has not completed the health care coverage supplemental questionnaire yet.
7. On January 7, 2022, the Department mailed a health care coverage determination notice to Petitioner to notify her that [REDACTED] was ineligible for MSP because Petitioner failed to verify information necessary to determine his eligibility.
8. On January 18, 2022, Petitioner requested a hearing to dispute the Department's decision.

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.

Medicare Cost Share coverage is available to assist eligible individuals with the costs associated with Medicare. BEM 165 (October 1, 2020), p. 2. For most individuals, there are both income and asset limits that must be met to be eligible for coverage. *Id.* at 8.

When the Department receives a request for assistance, the Department must determine whether the client is eligible. To determine whether a client is eligible for assistance, the Department must request verification of the information that is required to determine eligibility.

The Department must tell a client what verification is required, how to obtain it, and the due date. BAM 130 (January 1, 2021), p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 8. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the due date lapses or the client has refused to provide the verification. *Id.*


In this case, Petitioner requested MSP for her spouse, and the Department mailed Petitioner a health care coverage supplemental questionnaire to obtain the information it needed to determine eligibility. The health care coverage supplemental questionnaire instructed Petitioner what verification was required, how to obtain it, and the due date. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Based on the evidence presented, the Department did not receive the requested verification by the due date. Thus, I must find that Petitioner failed to provide the requested verification by the due date. Therefore, the Department properly found [REDACTED] ineligible for MSP.

DECISION AND ORDER

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 properly found [REDACTED] ineligible for MSP.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/mp



Jeffrey Kemm
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

Email Recipients:

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