



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

██████████
████████████████████
██████████, MI ██████████

Date Mailed: January 24, 2023
MOAHR Docket No.: 22-006028
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 17, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Zina Ani FIS. Helen Hampshire also appeared and testified for the Department. Department Exhibit 1, pp. 1- 47 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application for failing to submit the supplemental questionnaire sent to her?

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 ██████████ ██████████ ██████████ Petitioner applied for Food Assistance and MA.
2. On October 18, 2022, a supplemental questionnaire was sent to Petitioner with an October 28, 2022, due date. (Ex. 1, p. 22-25)
3. On October 19, 2022, a verification checklist was sent to Petitioner requesting verification of income and assets with a due date of October 31, 2022.
4. On October 26, 2022, Notice of Case Action was sent to Petitioner informing her that she was approved for FAP. Petitioner was also eligible for the pandemic FAP supplement at that time. (Ex. 1, pp. 34-38)

5. On November 22, 2022, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her MA application was denied because the supplemental questionnaire was not received. (Ex. 1, pp. 44-46)
6. On December 16, 2022, Petitioner requested hearing disputing the denial of MA. (Ex. 1, pp. 4-6)

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.

Medicaid

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Refer to policy in this item for citizenship verifications. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to two times.

At renewal if an individual is required to return a pre-populated renewal form, allow 30 calendar days for the form to be returned.

At application, renewal, ex parte review, or other change, explain to the client/authorized representative the availability of your assistance in obtaining needed information. Extension may be granted when the following exists:

The customer/authorized representative need to make the request. An extension should not automatically be given.

The need for the extension and the reasonable efforts taken to obtain the verifications are documented.

Every effort by the department was made to assist the client in obtaining verifications.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email, or MI Bridges document upload), the date of the transmission is the receipt date.

Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

Send a case action notice when:

The client indicates refusal to provide a verification, **or**
The time period given has elapsed.

Only **adequate** notice is required for an application denial.
Timely notice is required to reduce or terminate benefits.
BAM 130

In this case, Petitioner testified at hearing that she was told in a phone interview that the Department had all the information they needed to determine her MA eligibility.

A supplemental questionnaire was sent to Petitioner on October 18, 2022, with a due date of October 18, 2022. A verification checklist was also sent to Petitioner on October 19, 2022, with an October 31, 2022, due date. Petitioner did not return the questionnaire prior to the due date and her application was denied on that basis. Department policy requires Petitioner's to verify information contained in the supplemental questionnaire. Therefore, it was proper and correct and consistent with Department policy for Petitioner's MA application to be denied on that basis. BAM 130 The Department worker testified at hearing that there may have been a phone interview for the FAP program where Petitioner was told that she had provided all the required information for FAP but there would not have been a phone interview related to MA. The Department worker credibly testified that she did not tell Petitioner that she had provided all required information for MA.

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 failing to submit the supplemental questionnaire.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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
Kimberly Kornoelje
Kent County DHHS
121 Franklin SE
Grand Rapids, MI 49507
**MDHHS-Kent-
Hearings@michigan.gov**

Interested Parties
Kent County DHHS
BSC3
M. Holden
D. Sweeney
D. Smith
EQAD
MOAHR

Via-First Class Mail :

Petitioner

██████████
████████████████████
██████████, MI ██████████