



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN DPA
DIRECTOR

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]

Date Mailed: May 1, 2024

MOAHR Docket No.: 24-001408

Agency No.: [REDACTED]

Petitioner: [REDACTED]

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 April 2, 2024, from Lansing, Michigan. The Petitioner was represented by himself. [REDACTED] appeared and testified for the Petitioner. The Department of Health and Human Services (Department) was represented by Julie Parent AP Worker and Gina Goss FIM. Department Exhibit 1, pp. 1-8 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Medicaid Assistance (MA) case for failing to submit an assistance 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 November 8, 2023, an SSI Terminated Medicaid Coverage notice was sent to Petitioner informing him that the Department received notification that his SSI ended and instructed him to reapply for MA and provided him a supplemental questionnaire.
2. On December 11, 2023, Petitioner submitted pay stubs, a bank statement and a supplemental questionnaire but did not submit an application.
3. Petitioner testified at hearing that he did not receive an assistance application with the documents sent to him on November 8, 2023.

4. On January 19, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing him that he was not eligible for MA effective February 1, 2024, because he did not submit required forms.
5. On February 1, 2024, Petitioner requested a hearing disputing the closure of MA.

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 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. BAM 130

In this case, on November 8, 2023, an SSI Terminated Medicaid Coverage notice was sent to Petitioner informing him that the Department received notification that his SSI ended and instructed him to reapply for MA and provided him an application and other required documentation. On December 11, 2023, Petitioner submitted the supplemental questionnaire, pay stubs and a bank statement but did not submit an application. The Department representative at hearing testified that the electronic case file could not confirm whether Petitioner was sent an assistance application. Petitioner's testimony that he did not receive an assistance application is found to be credible. Therefore, Petitioner was not clearly informed regarding what was required of him and he was not given an adequate opportunity to comply. BAM 130

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 closed Petitioner's MA case for failing to submit an assistance application.

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. Reinstate Petitioner's MA case going back to the date of closure.
2. Send Petitioner an assistance application.
3. Process the assistance application and determine Petitioner's MA eligibility.

AM/cc



Aaron McClintic
Administrative Law Judge

