



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]
MI [REDACTED]

Date Mailed: April 25, 2024
MOAHR Docket No.: 24-002059
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 March 27, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Susan Dersweh Hearing Facilitator. Department Exhibit 1, pp. 1-75 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medicare Cost Share application for failing to verify assets?

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 January 31, 2024, a verification checklist was sent to Petitioner with a February 12, 2024, due date, requesting asset verifications for term life insurance and several other asset types. The request for information about term life insurance specifically states "[REDACTED] - Term- Insurance Policy, Statement from Insurance Company, DHS-4786 Life Insurance Verification." (Exhibit 1, p.39)
2. On January 31, 2024, Petitioner requested a hearing.
3. On January 31, 2024, Petitioner submitted proof of mortgage.
4. On February 8, 2024, Petitioner submitted asset verifications not including verification of life insurance for [REDACTED].

5. On February 23, 2024, Petitioner requested hearing raising issues with regard to FAP, MA and Medicare Cost Share.
6. On March 4, 2024, Petitioner submitted asset verification for Dort Financial showing balances of \$█.
7. On March 4, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she and household member █ were approved for MA-Plan First.
8. Petitioner received \$178 in FAP for February 2024.
9. Petitioner received \$251 in FAP for March 2024.
10. Petitioner testified at hearing that she is satisfied with her FAP allotment.
11. Petitioner testified at hearing that she is no longer disputing the denial of SER.
12. Petitioner testified at hearing that she was only disputing the denial of the Medicare Savings Program.
13. The Department representative testified that an asset verification was needed for a life insurance policy for █ from AARP and had still not been received.

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.

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, in the Department must verify assets to determine if an applicant is under the asset limits for the Medicare Cost Share program. BEM 400 Petitioner was sent a verification checklist on January 31, 2024, that requested numerous asset verifications.

Specifically, the checklist requested "[REDACTED] - Term- Insurance Policy, Statement from Insurance Company, DHS-4786 Life Insurance Verification." Petitioners did not submit any verification regarding a life insurance policy for [REDACTED] testified at hearing that the policy had lapsed due to nonpayment but presented no documentation regarding the life insurance policy. Therefore, the denial for failing to verify assets was proper and correct. BAM 130, BEM 400

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 Medicare Cost Share application for failing to verify assets, specifically Petitioner failed to verify life insurance value for [REDACTED].

DECISION AND ORDER

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

AM/cc



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 :

Interested Parties

MDHHS-Genesee-Clio-Hearings
BSC2-HearingDecisions
EQADHearings
M. Schaefer
N. Denson-Sogbaka
B. Cabanaw
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

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