



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
DIRECTOR



Date Mailed: May 21, 2024  
MOAHR Docket No.: 24-002651  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 April 22, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Rebecca Scott, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's MA case?

### **FINDINGS OF FACT**

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

1. Petitioner was an ongoing recipient of MA coverage under the Healthy Michigan Plan (HMP).
2. Petitioner household consists of herself, her husband (Spouse), and two minor children. Petitioner files taxes jointly with Spouse and claims two tax dependents.
3. In connection with a redetermination completed by Petitioner, the Department sent a Verification Checklist (VCL) dated January 18, 2024 to Petitioner requesting verification of income and assets with a due date of January 29, 2024. (Exhibit A, pp. 18-19).
4. After the expiration of the VCL due date, Petitioner provided a W2 for Spouse and 1 paystub for Spouse.

5. On February 1, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) informing her that MA coverage for her family would close effective March 1, 2024 due to failure to verify income and assets for the group. (Exhibit A, pp. 12-17).
6. On March 12, 2024, Petitioner sent the Department a request for hearing disputing the Department's determination regarding her and her family's MA coverage. (Exhibit A, pp. 4-7).

### **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.

In connection with Petitioner's MA redetermination, the Department closed Petitioner's MA case effective March 1, 2024 because Petitioner failed to respond to the VCL request from the Department. (Exhibit A, 12). Petitioner disputes the Department's determination.

Under 42 CFR 435.916(a)(2) and (b), and consistent with §§ 435.948, 435.949, and 435.956, as well as BAM 800 (April 2022), pp. 2-5, the Department can renew MA eligibility using electronic resources/databases available to it. If information provided to the Department by or on behalf of an MA applicant or recipient is reasonably compatible with information obtained by the Department through electronic data exchange services, the Department must determine or renew eligibility based on such information. 42 CFR 435.952(b); BAM 210 (January 2024), p. 1.

If the individual is not eligible for MA based on information retrieved from electronic database services or other reliable sources or if information needed by the Department to determine eligibility cannot be obtained electronically or if the information obtained electronically is not reasonably compatible with information provided by or on behalf of the individual, then the Department may not deny or terminate eligibility or reduce benefits for the individual unless it first seeks additional information from the individual. 42 CFR 435.952(c) and (d). The Department may request from the Medicaid applicant or recipient only information that has changed or is missing. BAM 210, p. 2.

The Department must notify MA recipients of the basis of an eligibility determination and notify them that they must inform the state if any of the information used to determine their eligibility is not accurate. 42 CFR 916(a)(2). If MAGI-based MA is terminated at renewal for failure to return the renewal form or other needed and requested documentation, the Department must reconsider the individual's eligibility without requiring a new application if the renewal form and/or requested information is returned within 90 days after the date of termination. 42 CFR 435.916(a)(3)(iii) and (b).

In this case, the Department closed Petitioner's MA case because Petitioner failed to provide the verifications regarding proof of income and assets following the submission of her renewal form:

- Proof of checking account with current statement from bank or financial institution for both Petitioner and Spouse.
- Proof of savings account with current statement from bank or financial institution for Petitioner.
- Last 30 days of check stubs or earnings statements for Petitioner.
- Last 30 days of check stubs or earnings statements for Spouse.

(Exhibit A, p. 19).

At the hearing, Petitioner admitted that she did not provide all of the requested documentation timely due to not having a working printer at home. (Exhibit A, pp. 4-6). Petitioner also indicated that she had some technical issues arise when she attempted to provide the information via fax. Petitioner indicated she was only able to submit some of the requested information, which included one paystub and one a W2 for Spouse on February 4, 2024. (Exhibit A, p. 1). Per Department policy, the client has primary responsibility for obtaining verification; however, if a client requests help obtaining verification, the Department must make a reasonable effort to assist the client. BAM 130 (October 2023), pp. 3-4.

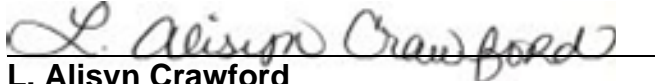
The Department sends a negative action when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. Petitioner clearly did not indicate a refusal to provide the verification and made some effort to comply with the Department's request. However, Petitioner did not overtly ask for assistance from the Department and while she did provide some of the requested information, she did so after the due date. Thus, the Department did act in accordance with policy when it closed Petitioner's MA case due to Petitioner's failure to provide requested verifications.

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 closed Petitioner's MA case.

**DECISION AND ORDER**

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

LC/ml

  
**L. Alisyn Crawford**  
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**

Tracy Felder

Wayne-Southwest-DHHS

2524 Clark Street

Detroit, MI 48209

**MDHHS-Wayne-41-Hearings@michigan.gov**

**Interested Parties**

BSC4

M Schaefer

EQAD

MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]