



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: June 11, 2024
MOAHR Docket No.: 24-004766
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Julia Norton

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 June 5, 2024. Petitioner was present and self-represented. Petitioner's son, ██████████, appeared as a witness for Petitioner. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's eligibility for Medicaid (MA) coverage and Medicare Savings Program (MSP) benefits for failure to provide requested verifications?

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 AD-Care and MSP-QMB benefits.
2. On April 5, 2024, the Department received Petitioner's MA redetermination. Exhibit A, pp. 14-20.
3. Petitioner's redetermination reported a savings account with a balance of \$██████████; a checking account with a balance of \$██████████; Retirement, Survivors and Disability Insurance (RSDI) income of \$██████████ monthly; and Social Security Administration (SSA) income of \$██████████ monthly. Exhibit A, pp. 15-16.
4. On April 8, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) notifying her that she was not eligible for MA

coverage May 1, 2024 ongoing because she had excess assets. The HCCDN did not reference eligibility for MSP. Exhibit A, pp. 6-8.

5. On April 8, 2024, the Department sent Petitioner a Verification Checklist (VCL) with a due date of April 18, 2024 requesting verification of her checking account, death benefit, and proof of earned and unearned income for the prior 30 days. Exhibit A, pp. 21-22.
6. On April 20, 2024, the Department sent Petitioner a HCCDN indicating Petitioner was not eligible for MA coverage or MSP benefits for June 1, 2024 ongoing because she had excess assets and had not returned verification of unearned income. Exhibit A, pp. 10-13.
7. On April 23, 2024, the Department received documentation of Petitioner's bank accounts reflecting a total balance of \$[REDACTED].
8. On April 23, 2024, the Department reprocessed Petitioner's redetermination with the bank account information. The Department then closed the case, effective June 1, 2024, because the verification of the death benefit remained outstanding.
9. On April 23, 2024, the Department received Petitioner's request for hearing disputing the Department's denial of her MA coverage. Exhibit A, pp. 4-5.

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 this case, Petitioner disputes the Department's action denying her MA coverage and MSP benefits effective June 1, 2024, because she failed to return proof of her bank account balances and death benefit income. The Department explained that on April 23, 2024 Petitioner provided bank account statements and it reprocessed her redetermination based on the updated asset information. The Department then closed the case on June 1, 2024 because it did not have the death benefit verification. As of the hearing date, the only outstanding item from the VCL was verification of the death benefit.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For MA cases, the client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit is extended up to two times. *Id.*, p. 8. Verifications are considered timely if received by the date they are due. BAM 130, p. 7. The Department sends a negative action notice 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. BAM 130, p. 7.

The VCL sent to Petitioner on April 8, 2024 identified that she needed to verify her death benefit and explained the required verification of the death benefit was a recent check stub or letter or document from the agency making the payment. Petitioner testified she received the VCL and that the bank statement she provided to the Department was intended as verification of the \$[REDACTED] death benefit paid to her from SSA following the death of her spouse. [REDACTED] testified the bank statement showed the \$[REDACTED] deposit was from SSA. The Department explained the bank statement Petitioner submitted did not show any deposits into the accounts, only a summary of the balances. During the hearing, [REDACTED] and Petitioner reviewed the bank statement Petitioner provided to the Department and acknowledged that it did not show the \$[REDACTED] deposit and only reflected account balance summaries. Based on the testimony at the hearing, Petitioner did not submit the required verification of the death benefit to the Department. Thus, the Department acted properly when it denied Petitioner's redetermination for failing to provide the requested verification.

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 redetermination.

DECISION AND ORDER

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

JN/cc



Julia Norton
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-Wayne-19-Hearings
BSC4-HearingDecisions
EQADHearings
M. Schafer
MOAHR

Via-First Class Mail :

Petitioner

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