



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

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

Date Mailed: August 9, 2024
MOAHR Docket No.: 24-004836
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on July 11, 2024. Petitioner appeared and represented himself. Petitioner was assisted by his mother, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Thomas Jones, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application for Medicaid (MA) for failure to return 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. On [REDACTED] [REDACTED] 2024, the Department received an application for MA from Petitioner. (Exhibit A, p. 1).
2. On February 26, 2024, the Department sent Petitioner a Verification Checklist (VCL), requesting Petitioner provide proof of his last 30 days of earned and unearned income to the Department by March 7, 2024. (Exhibit A, pp. 9 – 10).
3. On March 28, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) denying Petitioner MA for failure to return the requested verifications. (Exhibit A, pp. 11 – 13).

4. On April 23, 2024, the Department received Petitioner's request for hearing in which Petitioner disputed the denial of his MA application and included two documents regarding a Door Dash Prepaid Visa Card. (Exhibit A, pp. 3 – 8).

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.

Petitioner requested a hearing to dispute denial of his MA application. The Department denied Petitioner's MA application for failure to return verification of his income.

When an individual applies for MA, the Department is responsible for determining the individual's eligibility. BAM 105 (March 2024), pp. 17 – 18. When verification of an applicant's information is required, the Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (October 2023), p. 3. Clients must cooperate with the Department in determining initial and ongoing eligibility and must take actions within their ability to obtain verifications. BAM 105, pp. 7, 12. Clients have 10 days to provide requested verifications, and if a client makes a reasonable effort to provide the verifications and notifies the Department they have been unable to do so, the Department will extend the deadline up to two times upon the client's request. BAM 130, p. 8. The Department sends a HCCDN denying MA when the client refuses to provide the verification, or when the verification due date has passed, and the client has not made a reasonable effort to provide the requested documents. BAM 130, pp. 8 – 9.

In this case, the Department sent Petitioner a VCL on February 26, 2024, requesting verification of his last 30 days of earned and unearned income with a due date of March 7, 2024. (Exhibit A, pp. 9 – 10). When the Department did not receive the requested verifications, it sent Petitioner a HCCDN on March 28, 2024, notifying Petitioner his application for MA was denied. (Exhibit A, pp. 11 – 13). During the hearing, Petitioner admitted that the verifications were not provided to the Department by March 7, 2024. There was no evidence that Petitioner notified the Department of any difficulty he was having in obtaining the requested verification or that he requested an extension of time

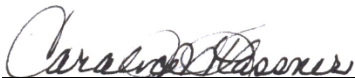
to do so. Therefore, the Department properly denied Petitioner's application for MA for failure to provide requested verifications.

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 denied Petitioner's application for MA for failure to return requested verifications.

DECISION AND ORDER

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

CML/nr



Caralyce M. Lassner
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

Yaita Turner

Oakland County Southfield District III

25620 W. 8 Mile Rd

Southfield, MI 48033

MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4

M. Schaefer

EQAD

MOAHR

Via-First Class Mail :

Petitioner

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