



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 19, 2024
MOAHR Docket No.: 24-008628
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted via telephone conference line on September 9, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Cindy Wasaya, supervisor, and Tiara Woody, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's Medical Assistance (MA) 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 [REDACTED] [REDACTED] 2024, Petitioner applied for MA benefits and reported being [REDACTED] years of age, not disabled, and not a Medicare recipient.
2. On May 28, 2024, MDHHS sent Petitioner a Health Care Coverage Supplemental Questionnaire (HCCSQ) to be returned by June 10, 2024.
3. On July 12, 2024, MDHHS denied Petitioner's MA benefit application due to failing to return a HCCSQ.
4. As of July 12, 2024, Petitioner had not returned the HCCSQ to MDHHS.

5. On July 26, 2024, Petitioner requested a hearing to dispute the denial of MA benefits.

CONCLUSIONS OF LAW

The 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. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the denial of an application requesting MA benefits. Exhibit A, pp. 3-4. Petitioner applied for MA benefits on May 28, 2024. Exhibit A, pp. 12-20. A Health Care Coverage Determination Notice dated July 12, 2024, stated that Petitioner was denied MA due to a failure to return a HCCSQ. Exhibit A, pp. 9-11.

The HCCSQ is used to gather additional information when an applicant is not found eligible for any MAGI-related eligibility group or indicates a disability on the MA benefit application. BEM 105 (January 2024) p. 4. Presumably, Petitioner was not found eligible for any MAGI category because Petitioner's application did not report a disability. Exhibit A, p. 14.

For all programs, MDHHS is to inform the client what verification is required, how to obtain it, and the due date. BAM 130 (October 2023) p. 2. MDHHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.* For MA, MDHHS is to allow the client 10 calendar days to provide the verification that is requested. *Id.*, p. 7. MDHHS may send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed. *Id.*

MDHHS mailed Petitioner a HCCSQ on May 28, 2024. Exhibit A, pp. 21-24. The HCCSQ listed a due date of June 10, 2024. *Id.* There was no evidence that Petitioner returned the HCCSQ by its June 10, 2024 due date or the application denial date of July 2, 2024. Thus, MDHHS properly denied Petitioner's MA application due to Petitioner's failure to return a HCCSQ. As discussed during the hearing, Petitioner's recourse is to reapply for MA benefits.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's application for MA benefits dated [REDACTED] [REDACTED] 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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

Trista Waishkey
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198

MDHHS-Washtenaw-Hearings@michigan.gov

Interested Parties

BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

Petitioner

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