



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

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██████████, MI ██████████

Date Mailed: December 19, 2024  
MOAHR Docket No.: 24-010715  
Agency No.: ██████████  
Petitioner: ██████ ██████

**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 November 20, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Alexis Holmes, Eligibility Specialist, and Nicole Taylor, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly determine Petitioner's eligibility for Medicare Savings Program (MSP)?

**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 ██████ ██████ 2024, the Department received an application for Medicaid (MA) from Petitioner through the Federally Facilitated Marketplace (FFM). Petitioner did not apply for MSP or retroactive MA. (Exhibit B, pp. 1 – 9).
2. On May 31, 2024, the Department sent Petitioner a Verification Checklist (VCL) that requested verification of Petitioner's income, among other things, by June 10, 2024. The Department enclosed an Employment Verification Form for ██████ ██████ ██████ ██████ (AAPS) and Verification of Assets form with the VCL. (Exhibit A, pp. 6 – 14).

3. On June 5, 2024, the Department granted Petitioner an extension until June 17, 2024 to provide the requested documents, and sent Petitioner a second Employment Verification Form for [REDACTED] (EDUS). (Exhibit A, pp. 15 – 17).
4. On June 25, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) that denied Petitioner MA effective May 1, 2024 for failure to return requested verifications. The HCCDN did not approve or deny Petitioner for MSP. (Exhibit A, pp. 18 – 20).
5. On September 20, 2024, the Department received a request for hearing from Petitioner that disputed the Department's denial of her for MSP. Petitioner also submitted verifications to the Department on that date. (Exhibit A, pp. 1, 3).

### **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 request the Department approve her for MSP. The Department did not issue any HCCDN to Petitioner regarding MSP.

The MA program provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. BEM 100 (April 2023), p. 2. MSP is an SSI-related MA program that pays for certain Medicare expenses for individuals who meet financial and nonfinancial eligibility factors. BEM 165 (October 2022), pp. 1, 8. Based on the client's circumstances and potential MA program eligibility, the factors include meeting income and asset limits. BEM 105 (January 2024), p. 1; BEM 211 (October 2023), p. 1; BEM 400 (June 2024), p. 1. When verification of a client's information is required to determine eligibility, the Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2024), p. 3. Clients have primary responsibility for providing requested verifications and must take actions within their ability to obtain verifications to the Department within 10 days. BAM 130 (May 2024), p. 3; BAM 105, pp. 7 – 8, 12; see also BEM 502 (June 2024), p. 7.

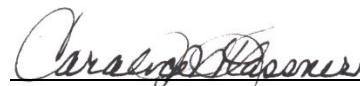
Although Petitioner specifically requested a hearing regarding denial of MSP, Petitioner did not apply for MSP on her MA application through FFM and there was no evidence that the Department considered her for MSP. However, Petitioner acknowledged that the Department requested verifications from her in June 2024 and that she did not provide the requested verifications to the Department until at least September 20, 2024, which was several months past the deadline. Therefore, the Department properly denied Petitioner's application for MA and did not issue a determination regarding MSP.

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 and did not issue a determination regarding MSP.

**DECISION AND ORDER**

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

CML/nr



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**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**

Denise Key-McCoggle  
Wayne-Greydale-DHHS  
27260 Plymouth Rd  
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-Hearings@michigan.gov**

**Interested Parties**

BSC4  
M. Schaefer  
EQAD  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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