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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: November 12, 2024
MOAHR Docket No.: 24-010843
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On September 18, 2024, Petitioner, [REDACTED] requested a hearing to dispute a Medical Assistance (MA) determination. As a result, a hearing was scheduled to be held on November 7, 2024. Public assistance hearings are held 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. Petitioner appeared and represented herself. Respondent, Michigan Department of Health and Human Services (Department), had Jennifer Richard, Assistance Payments Supervisor, appear as its representative. Suvechhya Rahman, Interpreter, was present at the hearing and provided interpreter services.

A 28-page packet of documents provided by the Department was admitted collectively as Exhibit A.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility?

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] 2024, Petitioner submitted a redetermination. However, the redetermination was not signed by Petitioner.
2. On September 5, 2024, the Department mailed a health care coverage determination notice to Petitioner to notify Petitioner that Petitioner and Petitioner's son were ineligible for MA coverage, effective November 1, 2024, because "You or a group member failed to verify or allow the Department to verify requested information."

3. On [REDACTED] 2024, Petitioner submitted a signed redetermination and reported that Petitioner's husband was employed.
4. On September 18, 2024, Petitioner requested a hearing to dispute the Department's determination.
5. On September 19, 2024, the Department mailed a verification checklist to Petitioner to obtain information to redetermine Petitioner's MA eligibility. The verification checklist instructed Petitioner to provide verification of Petitioner's husband's checking account by providing a current statement from a bank or financial institution or a DHS 20 verification of assets form. The verification checklist also instructed Petitioner to provide verification of Petitioner's husband's income by providing the last 30 days of check stubs or earnings statements. The verification checklist instructed Petitioner to provide the proofs to the Department by September 30, 2024.
6. The Department did not receive any response to the verification checklist by September 30, 2024.

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 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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The Department must periodically redetermine or renew a client's eligibility for active programs. BAM 210 (January 1, 2024), p. 1. The redetermination/renewal process includes a thorough review of all eligibility factors. Benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. *Id.* at 4.

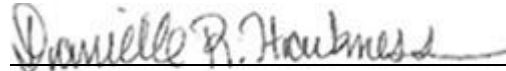
Verification is usually required by the Department at the time of application/redetermination and for a reported change. BAM 130 (May 1, 2024), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 8. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

Based on the evidence presented, the Department failed to show that verifications were requested by the Department and that Petitioner failed to provide the requested verifications by the due date prior to the issuance of the September 5, 2024, denial. Therefore, the Department improperly determined Petitioner's MA eligibility.

DECISION AND ORDER

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 failed to act in accordance with its policies and the applicable law when it determined Petitioner's MA eligibility.

IT IS ORDERED the Department's decision is **REVERSED**. The Department shall reinstate MA beginning November 1, 2024, and issue a verification checklist clearly explaining what verifications Petitioner is required to provide. The Department shall begin to implement this decision within 10 days.



Danielle R. Harkness
Administrative Law Judge

DH/pt

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

Kimberly Kornoelje
Kent County DHHS
121 Martin Luther King Jr St SE
Ste 200
Grand Rapids, MI 49507

MDHHS-Kent-Hearings@michigan.gov

Interested Parties

BSC3
M. Schaefer
EQAD
MOAHR

Via-First Class Mail:

Petitioner

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