



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: December 3, 2024
MOAHR Docket No.: 24-011118
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 on November 4, 2024, from Lansing, Michigan. The Petitioner was represented by ██████████ who appeared and testified. The Department of Health and Human Services (Department) was represented by Tamara Norris and Valerie Krause. Department Exhibit 1, pp. 1-57 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application for failing to provide 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 ██████████ 2024, Petitioner applied for Long Term Care Medicaid (MA-LTC).
2. On June 11, 2024, a Verification Checklist was sent to Petitioner with a June 21, 2024, due date. (Ex. 1, pp. 36-38)
3. On June 21, 2024, Petitioner submitted verifications but did not submit complete bank account records and trust documents. (Ex. 1, pp. 36-38)
4. On June 24, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA application was denied for failing to provide all required verifications.
5. On September 20, 2024, Petitioner requested hearing disputing the denial of MA.

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.

Medicaid

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Refer to policy in this item for citizenship verifications. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to two times.

At renewal if an individual is required to return a pre-populated renewal form, allow 30 calendar days for the form to be returned.

At application, renewal, ex parte review, or other change, explain to the client/authorized representative the availability of your assistance in obtaining needed information. Extension may be granted when the following exists:

- The customer/authorized representative need to make the request. An extension should not automatically be given.
- The need for the extension and the reasonable efforts taken to obtain the verifications are documented.
- Every effort by the department was made to assist the client in obtaining verifications.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or MI Bridges document upload), the date of the transmission is the receipt date.

Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are

considered to be received the next business day. Send a case action notice when:

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

BAM 130


In this case, on June 11, 2024, Petitioner was sent a verification checklist clearly instructing him about what verifications he was required to submit. On June 21, 2024, Petitioner submitted some verifications, 47 pages total, but did not submit complete bank account records and did not submit trust documents showing what assets were in the trust. Petitioner later submitted 6 pages which included bank account records for January and February 2024. (Ex. 1, pp. 47-50). Petitioner's representative argued that complete bank account records were not available and the only assets in the trust were the bank accounts and he believed that what was submitted was sufficient. The verification checklist clearly instructed Petitioner that the trust documents and a statement regarding what was in the trust were needed and that information was not submitted prior to the deadline on the verification checklist. The bank account records from January and February 2024 were insufficient to verify assets for the month of application, May 2024. Therefore, the Department denial for failing to verify what was in the trust and bank accounts for the month of application was proper and correct and consistent with Department policy. BAM 130

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 MA application for failing to provide required verifications.

DECISION AND ORDER

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

AM/ml



Aaron McClintic
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

Megan Sterk
Allegan County DHHS
3255 122nd Ave Ste 300
Allegan, MI 49010
MDHHS-Allegan-Hearings@michigan.gov

Interested Parties

BSC3
L Karadsheh
MOAHR

Via First Class Mail:

Authorized Hearing Rep.

[REDACTED]
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Petitioner

[REDACTED]
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