



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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██████████, MI ██████████

Date Mailed: January 3, 2025
MOAHR Docket No.: 24-012548
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 December 5, 2024, from Lansing, Michigan. The Petitioner was represented by ██████████. The Department of Health and Human Services (Department) was represented by Tamara Norris. Christine Kersjes and Stacy Smith also appeared for the Department. Department Exhibit 1, pp. 1-179 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application for failing to verify expenses?

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.
2. On July 12, 2024, a Verification Checklist was sent to Petitioner requesting verification of assets, specifically verification of funeral home expenses and an explanation regarding where the proceeds of the sale of Petitioner's home were spent or held.
3. On July 23, 2024, an extension was granted extending the deadline on the verification checklist.
4. On August 12, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA application was denied for failing to provide verification of funeral expenses and other expenses. (Ex. 1, p.

5. On October 21, 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.

The Department is to 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, Petitioner was clearly instructed regarding what verifications were needed regarding his assets. Petitioner was granted an extension to allow for more time to provided needed verifications. Despite being given an extension, Petitioner failed to provide requested information regarding funeral and burial expenses and an explanation regarding what happened to the proceeds from the sale of his home. The Department could not make a determination without more information about those assets, therefore the denial for failing to provide verifications was proper and correct. BAM 130.


At the hearing, Petitioner's representative explained the difficulties she was having and the difficulties Petitioner's daughter, who is serving as Petitioner's power of attorney, was having in obtaining verifications and explanations from Petitioner because he is currently incapacitated. Petitioner's representative suggested making a determination based on the information provided and if a finding of divestment was required then that may be the only option. Petitioner did not provide sufficient information and verifications for the Department to make a full divestment determination, specifically asset verifications for the entire 5 year look back period were not provided.

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 verify funeral services expense and other expenses.

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

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