



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON BROWN
DIRECTOR

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: January 6, 2025
MOAHR Docket No.: 24-012945
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 19, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application for Medical Assistance (MA) benefits?

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 or around [REDACTED] 2024, Petitioner submitted an application requesting MA benefits.
2. On or around September 30, 2024, the Department sent Petitioner a Verification Checklist (VCL) Instructing him to submit proof of his earned and unearned income to the Department by October 10, 2024. The VCL informed Petitioner that he was to provide proof of the last 30 days for his employment, unemployment, social security benefits, pension, as well as proof of self-employment/expense records for the last year. Petitioner was informed that he could include copies of check stubs, self-employment records, or a statement from his source of income. (Exhibit A, pp.6-7)
3. The Department asserted that Petitioner failed to submit proof of his income by the October 10, 2024, due date identified on the VCL.

4. On or around October 29, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice, advising him that effective September 1, 2024, ongoing, he was ineligible for MA benefits because he failed to return verification of income as requested. (Exhibit A, pp.8-10)
5. On or around November 13, 2024, Petitioner requested a hearing disputing the Department's denial of his MA application. (Exhibit A, pp. 3-5)

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.

In this case, Petitioner disputed the denial of his [REDACTED] 2024, MA application.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2024), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, pp. 3-4.

For MA cases, clients are given 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, pp. 7-9. If the client cannot provide the verification despite a reasonable effort, the Department is to extend the time limit to submit the verifications up to two times. BAM 130, pp. 7-9. Verifications are considered to be timely if received by the date they are due. BAM 130, pp. 7-9. The Department will send a negative action notice when the client indicates refusal to provide a verification, or the time period given has lapsed. BAM 130, pp. 8-9.

At the hearing, the Department representative testified that based on the income and employment information reported by Petitioner on the [REDACTED] 2024, MA application, the Department was required to verify Petitioner's income in order to determine his eligibility for MA benefits. The Department issued a VCL on [REDACTED] 2024, instructing Petitioner to submit proof of his income by October 10, 2024. The Department representative testified that because Petitioner failed to submit any verification of his income by the October 10, 2024, due date identified on the VCL, the Department initiated the denial of Petitioner's MA application by issuing the October 29, 2024, Health Care Coverage Determination Notice. There was no evidence that Petitioner requested an extension or additional time to submit the requested verification or that Petitioner requested assistance from the Department in obtaining the verifications that were requested.


Petitioner testified that he was not sure whether he received the VCL at the time it was issued because he may have been out of town. Petitioner testified that when he returned, he submitted his 2023 tax return documents to the Department on or around October 28, 2024, by uploading the documents electronically to his online Bridges account. Petitioner did not receive any confirmation of his submission and the Department's review of the electronic case file did not reflect any documents received on or around October 28, 2024.

Upon review, notwithstanding Petitioner's testimony during the hearing, Petitioner reported on his application that he was employed and had self-employment income. In accordance with Department policy, Petitioner was required to timely submit verification of his income in order for the Department to review his eligibility for MA. Petitioner failed to establish that he timely submitted verification of his income to the Department prior to the denial of the application. Therefore, 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 [REDACTED] 2024, MA application. Petitioner is advised that he is entitled to submit a new application for MA benefits and his current MA eligibility will be determined.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
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

Tracey Jones

Oakland County Southfield District III

25620 W. 8 Mile Rd

Southfield, MI 48033

MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4

M Schaefer

EQAD

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]

[REDACTED]

[REDACTED], MI [REDACTED]