



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
DIRECTOR

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[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: February 19, 2025  
MOAHR Docket No.: 24-013733  
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 January 22, 2025, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. Petitioner's son Sameh Ahmed was present as a witness on Petitioner's behalf. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist. Peter Choma served as Arabic Interpreter.

**ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) case?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner and his household members were all ongoing recipients of MA under Modified Adjusted Gross Income (MAGI) related categories. In connection with a redetermination, the household's eligibility to receive MA was reviewed.
2. On or around August 21, 2024, Petitioner timely submitted a redetermination for his MA case to the Department.
3. On or around August 30, 2024, the Department sent Petitioner a Verification Checklist (VCL) instructing him to submit proof of his checking account, income, and income tax refund (federal) by September 9, 2024.
4. On or around [REDACTED] 2024, Petitioner submitted an application requesting FAP benefits.

5. In connection with the FAP application, the Department completed an asset detection report which indicated that either Petitioner or his household members had bank accounts associated with their names.
6. On or around December 6, 2024, Petitioner requested a hearing disputing the Department's actions with respect to the MA program.
7. On or around December 9, 2024, the Department sent Petitioner a VCL instructing him to provide proof of his income and proof of his checking account by December 19, 2024.
8. On or around December 17, 2024, the Department sent Petitioner a VCL instructing him to provide proof of a checking account for himself, his son Sameh, and his son Fadhel, as well as a savings account for himself by December 27, 2024.
9. On or around December 18, 2024, the Department sent Petitioner Verification of Asset forms for two Chase bank accounts.
10. On or around December 26, 2024, Petitioner submitted bank statements for accounts ending in [REDACTED] and [REDACTED]. The Department asserted that Petitioner failed to submit bank statements for accounts ending in [REDACTED] and [REDACTED].

### **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 Department's actions with respect to his MA case.

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 Petitioner's MA eligibility was due for review and Petitioner timely returned a redetermination to the Department on August 21, 2024. The Department representative testified that Petitioner subsequently submitted an application for FAP benefits, which triggered an asset detection report to be completed and which identified bank accounts associated with Petitioner and/or his household members' names. The Department representative testified that in connection with the MA redetermination, the FAP application and the asset detection report, the above referenced VCLs were sent to Petitioner instructing him to submit among other things, proof of his bank account statements by the due dates identified on the VCLs. The Department representative testified that Petitioner failed to submit verification of bank account statements ending in account numbers [REDACTED] and [REDACTED]. It was unclear based on the evidence presented and the Department's testimony whether these bank accounts were joint accounts with Petitioner's name on them or whether the accounts were for Petitioner's sons/other household members. The Department initially testified that Petitioner's MA benefits were terminated for failing to verify bank account information; however, the Department representative later testified that Petitioner's MA case was still in pending status and had not closed. Petitioner asserted that he and his family have not had MA benefits and have not been able to go to the doctor since August 2024. The Department representative did not present any eligibility summary for review showing that the status of Petitioner's MA benefits was still pending and there were no eligibility notices presented for review showing that Petitioner was notified of the case closure or the status of his MA cases.

Additionally, although the Department made a statement that Petitioner's household was no longer income eligible for MAGI-related MA and thus, the bank statements were required in order to determine their eligibility under a Group 2 program, the Department presented no evidence in support of this statement. Furthermore, the Department confirmed that prior to the redetermination, Petitioner and all of his household members were eligible for MAGI-related MA benefits. Pursuant to BEM 105 and BEM 400, MAGI related MA programs do not have an asset test. Therefore, the Department failed to establish that the bank account asset information was needed in order to determine Petitioner's MA eligibility, as the Department did not establish that Petitioner's household was no longer eligible for MA under a MAGI-related category.

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 did not act in accordance with Department policy when it closed Petitioner and his household members' MA cases.


**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate the MA cases for Petitioner and his household members and finish processing the August 21, 2024, redetermination to determine MA eligibility for all household members under the most beneficial program;
2. Provide Petitioner and his household members with MA benefits under the most beneficial category from the redetermination date/date of case closure, ongoing;
3. Notify Petitioner in writing of its decisions.

ZB/ml

  
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**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**

Tara Roland 82-17

Wayne-Greenfield/Joy-DHHS

8655 Greenfield

Detroit, MI 48228

**MDHHS-Wayne-17-hearings@michigan.gov**

**Interested Parties**

BSC4

M Schaefer

EQAD

MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]