

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON BROWN DPA
DIRECTOR

[REDACTED]
Date Mailed: January 28, 2025
MOAHR Docket No.: 24-013464
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 27, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Shyla Coleman, Eligibility Specialist and Hearings Facilitator.

ISSUE

Did MDHHS properly close Petitioner's Medical Assistance/Medicaid (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. On [REDACTED] 2024, Petitioner applied for MA and Food Assistance Program (FAP) benefits for herself. Petitioner reported that she is a Permanent Resident of the United States with a "Green Card". Petitioner also reported that she was married. Petitioner reported that she has no household income (Exhibit A, pp. 8-15).
2. On July 22, 2024, MDHHS issued a Verification Checklist (VCL) to Petitioner, requesting that she submit verification of her citizenship by October 21, 2024 (Exhibit C).
3. On July 22, 2024, MDHHS issued a Healthcare Coverage Determination Notice to Petitioner, informing her that her MA application was automatically approved under the Healthy Michigan Plan, effective July 1, 2024 (Exhibit A, pp. 20-22).

4. On July 31, 2024, Petitioner was interviewed by MDHHS as part of the application process. Petitioner reported that her husband, [REDACTED] (Husband), is employed (Exhibit A, pp. 28-34).
5. On July 31, 2024, MDHHS issued a VCL to Petitioner, requesting that she submit verification of her citizenship, verification of Husband's citizenship, and 30 days of check stubs for Husband's employment to MDHHS by August 12, 2024 (Exhibit B).
6. On October 25, 2024, MDHHS issued a Healthcare Coverage Determination Notice to Petitioner, informing her that her MA case was closed, effective December 1, 2024 (Exhibit A, pp. 16-19).
7. On November 21, 2024, Petitioner submitted request for hearing, disputing the closure of her MA case (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.

MDHHS testified that Petitioner's MA application was automatically approved under the Healthy Michigan Plan, effective July 1, 2024. MDHHS then reviewed Petitioner's eligibility following her application interview and requested that she submit verification of her citizenship and 30 days of check stubs for Husband's employment. Petitioner failed to return the requested verifications. MDHHS then closed Petitioner's MA case. Petitioner disputes this closure.

MA is available (i) under SSI-related categories to individuals who are aged (65 or older), blind or disabled, (ii) to individuals who are under age 19, parents or caretakers of children, or pregnant or recently pregnant women, and (iii) to individuals who meet the eligibility criteria for Healthy Michigan Plan (HMP) coverage. 42 CFR 435.911; 42 CFR 435.100 to 435.172; BEM 105 (January 2024), p. 1; BEM 137 (January 2024), p. 1. If an individual is unable to receive MA under an SSI-related category, because no individual is aged (65 or older), blind, disabled, or entitled to Medicare or formerly blind or disabled, then MDHHS must review the household's eligibility based on Modified Adjusted Gross Income (MAGI) methodology for MA coverage under the MAGI

categories: children under 19, parents or caretakers of children, pregnant or recently pregnant women, former foster children, MOMS, MiChild, Flint Water Group and HMP. Under federal law, an individual eligible under more than one MA category must have eligibility determined for the category selected and is entitled to the most beneficial coverage available, which is the one that results in eligibility and the least amount of excess income or the lowest cost share. BEM 105, p. 2; 42 CFR 435.404.

MDHHS must verify countable income and citizenship status at the time of application. To request verification of information, MDHHS must inform the client of what verification is required, how to obtain it, and the due date. BAM 130 (May 2024) pp. 2-4. With respect to MA cases, clients are given 10 calendar days to provide the verifications requested by MDHHS. Verifications are considered to be timely if received by the date they are due. MDHHS will send a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, pp. 7-8.

In this case, MDHHS properly requested verification of income and citizenship status in order to determine Petitioner's eligibility and the most beneficial MA category for Petitioner. MDHHS issued two VCLs to Petitioner at the mailing address Petitioner confirmed is current. Petitioner did not submit verification of income that provided 30 days' worth of information in order for MDHHS to make a determination of eligibility. Petitioner submitted one paystub from Husband's employment, showing that she had received the VCL and knew that MDHHS had requested verifications be submitted. The paystub submitted did not provide 30 days' worth of income information (see Exhibit A, pp. 26-27). Additionally, Petitioner failed to provide verification of her citizenship status to MDHHS after reporting on her application that she is a permanent resident with a "Green Card". As Petitioner did not submit the required verification of income information or verification of citizenship to MDHHS, and did not seek assistance in obtaining verification, MDHHS was unable to determine Petitioner's ongoing eligibility for MA coverage. Therefore, MDHHS acted in accordance with policy in closing Petitioner's MA case.

At the hearing, MDHHS encouraged Petitioner to reapply for MA coverage and submit all documentation requested by MDHHS in a timely manner.

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 MDHHS acted in accordance with Department policy when it closed Petitioner's MA case.

DECISION AND ORDER

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

DN/mp


Danielle Nuccio
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

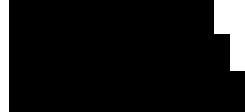
Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180
MDHHS-Wayne-18-
Hearings@michigan.gov

Interested Parties

EQAD Hearings
M. Schaefer
MOAHR
BSC4

Via-First Class Mail :

Petitioner

A large black rectangular redaction box covering several lines of text.