
Appellant: [REDACTED]
For: MinnesotaCare
Agency: Minnesota Department of Human Services
Docket: 265350

**DECISION OF
STATE AGENCY
ON APPEAL**

On November 14, 2023, Human Services Judge Wendy Sanchez held a hearing under Minnesota Statutes, section 256.045, subdivision 3.¹

The following person appeared at the hearing:

[REDACTED]

The Human Services Judge, based on the evidence in the record and considering the arguments of the parties, recommends the following Findings of Fact, Conclusions of Law, and Order.

¹The Minnesota Department of Human Services conducts state fair hearings pursuant to Minnesota Statutes, section 256.045, subdivision 3. The Department also conducts maltreatment and disqualification hearings on behalf of the Minnesota Departments of Health and Education pursuant to Minnesota Statutes, sections 626.556, subdivision 10j; and 626.557, subdivision 9d.

STATEMENT OF ISSUES

The issues raised in this appeal are:

- 1) Whether Appellant timely appealed the Agency's decision; and if so,
- 2) Whether the Department of Human Services correctly determined to close Appellant's Medical Assistance (MA) for failure to renew.

Recommended Decision:

- 1) No, the appeal was not timely requested and the matter must be dismissed.

PROCEDURAL HISTORY

1. On June 30, 2023, the Department of Human Services ("Agency") sent [REDACTED] ("Appellant")'s household a notice that Appellant's MA would close effective July 31, 2023 for failure to renew. *Exhibit 2*.
2. On October 9, 2023, Appellant requested an appeal. *Exhibit 1*.
3. On November 14, 2023, Human Services Judge Wendy Sanchez held an evidentiary hearing via telephone conference. The record was held open to allow the parties time to exchange information. The record closed on December 6, 2023, consisting of hearing testimony and four exhibits.²

FINDINGS OF FACT

1. On April 22, 2023, the Agency sent Appellant's household a renewal form with instructions to return the completed renewal form within 30 days. *Exhibit 2*. The Agency sent the household the notice to the address on file for the household – [REDACTED] # [REDACTED] MN [REDACTED] *Id*. The Agency did not receive a report of an address change. *Id*. The Agency did not receive the completed renewal form. *Id*.
2. On June 30, 2023, the Agency sent the household notice that their coverage would be extended through July 31, 2023. *Exhibit 2*. The notice was mailed to the household at [REDACTED] # [REDACTED] MN [REDACTED] *Id*.

² **Exhibit 1** – Appeal request; **Exhibit 2** – Agency Summary; **Exhibit 3** – Appellant post-hearing submissions; **Exhibit 4** – Agency post-hearing submissions.

3. On July 24, 2023, the Agency received the household's renewal form and attempted to process the renewal on July 25, 2023. *Exhibit 2*. The Agency was not able to electronically verify income for household members [REDACTED], [REDACTED], and Appellant.³ *Id.*

4. On July 25, 2023, the Agency sent a request for additional information to the household at the address on file - [REDACTED] # [REDACTED] MN [REDACTED] *Id.* The Agency requested the information no later than August 4, 2023. *Id.* The request also reminded the household that coverage would end for the household on July 31, 2023. *Id.* The Agency did not receive the all of the requested information by August 4, 2023. *Id.*

5. Appellant requested an appeal on October 9, 2023. *Id.* MA coverage for the Appellant closed on July 31, 2023 and does not continue pending the outcome of this appeal because Appellant did not timely appeal to continue benefits. *Id.*

6. **Testimony.** Appellant needs coverage for August 2023 because she had an appointment on August 25, 2023 and needs a bill in the amount of \$304.30 covered. *Appellant Testimony*. Appellant agreed with the Agency's income calculations. *Id.* Appellant called DHS on September 1st and learned that she needed to submit paystubs; she verified her mailing address at that time and it was correct. *Id.* Appellant testified that she did not receive the April 22nd renewal packet, and did not receive the July 25th request for information notice, but did receive the June 30, 2023 cancellation notice. *Id.* Appellant confirmed her address during the hearing and it matched the addresses on all three notices. *Id.* Appellant testified that initially she did not think she needed to file an appeal, and filed the appeal late, because she was under the impression that her case was being processed and August would be covered. *Id.*

7. **Post-hearing.** Appellant submitted copies of emails she sent to EEA METS HC at [REDACTED] County on September 15 and September 26, 2023, and October 2-6, 2023. *Exhibit 3*. The Agency reviewed Appellant's submissions and determined that Appellant is eligible for MinnesotaCare effective September 1, 2023. *Exhibit 4*. Appellant wished to continue with the appeal process because she still needs coverage for August 2023. *Exhibit 3*.

APPLICABLE LAW

1. **Jurisdiction.** The Commissioner of Human Services has jurisdiction over appeals involving matters listed in Minnesota Statutes, section 256.045, subdivision 3(a).

2. **Timeliness and Burden of Proof.** Unless federal or Minnesota law specifies a different time frame in which to file an appeal, an individual or organization specified in this section may contest the specified action by submitting a written request for a hearing to the

³ Appellant is a tax dependent of [REDACTED].

state agency within 30 days after receiving written notice of the action or within 90 days of such written notice if the person shows good cause why the request was not submitted within the 30 day time limit. *Minn. Stat. § 256.045, subd. 3(i)*. The individual filing the appeal has the burden of proving good cause by a preponderance of the evidence. *Id.*

3. **Medical Assistance.** The state laws about Medical Assistance are set forth in Minnesota Statutes, Chapter 256B. Medical Assistance participants are required to have their eligibility redetermined every 12 months. *Minn. Stat. § 256B.056, subd. 7.*

CONCLUSIONS OF LAW

1. The appeal is not timely under Minnesota Statutes, section 256.045, subdivision 3 because the appeal was filed on October 9, 2023, which is 101 days after the June 30, 2023 notice was mailed. Even allowing an extra 3 days for mailing does not put Appellant within the 90-day timeframe to request an appeal. The appeal must be dismissed for lack of timeliness.

RECOMMENDED ORDER

Based on all of the evidence, I recommend that the Commissioner of Human Services:

- DISMISS Appellant's appeal for lack of timeliness.

Wendy Sanchez

Wendy Sanchez
Human Services Judge

12/15/2023

Date

ORDER

On behalf of the Commissioner of Human Services and for the reasons stated above, I adopt the recommended Findings of Fact, Conclusions of Law, and Recommended Order as the final decision of the Department of Human Services.

Anna I. Cortez

Anna I. Cortez
Co-Chief Human Services Judge

December 18, 2023

Date

cc:

██████████
DHS-Eligibility Appeals Unit

FURTHER APPEAL RIGHTS

This decision is final unless you take further action.

Appellants who disagree with this decision should consider seeking legal counsel to identify further legal action. If you disagree with this decision, you may:

- **Request the appeal be reconsidered.** The request must state the reasons why you believe your appeal should be reconsidered. The request may include legal arguments and may include proposed additional evidence supporting the request. If you propose additional evidence, you must explain why the evidence was not provided at the hearing. **The request must be in writing and be made within 30 days of the date this decision was issued by the co-chief human services judge.** You can mail the request to: Appeals Division, Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941. You can also fax the request to (651) 431-7523. **You must send a copy of the request to the other parties.** To ensure timely processing of your request, please include the name of the human services judge assigned to your appeal and the docket number. The law that describes this process is Minnesota Statutes, section 256.0451, subdivision 24.
- **Start an appeal in the district court.** This is a separate legal proceeding that you must start **within 30 days of the date this decision was issued by the co-chief human services judge.** You start this proceeding by: 1) serving a written copy of a notice of appeal upon the Commissioner of Human Services and upon any other adverse party of record; and 2) filing the original notice and proof of service with the court administrator of the county district court. The law that describes this process is Minnesota Statutes, section 256.045, subdivision 7.⁴

⁴ County agencies do not have the option of appealing decisions about Supplemental Nutrition Assistance Program (SNAP), Minnesota Family Investment Program (MFIP), or Diversionary Work Program (DWP) benefits to district court under 7 Code of Federal Regulations, section 273.15(q)(2), and Minnesota Statutes, section 256J.40. A prepaid health plan may not appeal this order under Minnesota Statutes, section 256.045, subdivision 7.