

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:

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Reg. No.: 15-004031
Issue No.: 2003; 3000
Case No.: ██████████
Hearing Date: April 20, 2015
County: WAYNE-DISTRICT 35
(REDFORD)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Following Claimant'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; 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 April 20, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative (AHR), ██████████ ██████████, Benefit Tech from ██████████. Participants on behalf of the Department of Health and Human Services (Department or DHHS) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) benefits effective January 1, 2015?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of MA benefits.
2. On November 10, 2014, the Department sent Claimant a redetermination (DHS-1010), which was due back by December 1, 2014. See Exhibit 1, p. 5.
3. The AHR indicated that Claimant had a fiscal intermediary (hereinafter referred to as "third party"), which assisted the Claimant in completing documentation (i.e., her redetermination). See Exhibit A, p. 1. The AHR indicated that the third party completed Claimant's redetermination for MA benefits and uploaded the redetermination in MI Bridges timely. See Exhibit A, p. 1.

4. The Department testified that it did not receive the redetermination or that it was uploaded via MI Bridges.
5. On December 19, 2014, the Department sent Claimant a Health Care Coverage Determination Notice (determination notice) notifying her that her MA benefits closed effective January 1, 2015, ongoing, for failure to complete the redetermination. See Exhibit 1, p. 8.
6. On March 4, 2015, Claimant's AHR filed a hearing request, protesting the closure of Claimant's MA benefits and the closure of her Food Assistance Program (FAP) benefits. See Exhibit 1, pp. 2 and 7.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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.

As a preliminary matter, it was discovered that Claimant's FAP benefits had been reinstated and there was no lapse of coverage. As such, Claimant's FAP hearing request is DISMISSED. See Exhibit 1, p. 6.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2014), p. 7. This includes completion of necessary forms. BAM 105, p. 7.

A complete redetermination is required at least every 12 months. BAM 210 (July 2014), p. 1. For MA cases, benefits stop at the end of the benefit period unless a renewal is

completed and a new benefit period is certified. BAM 210, p. 2. Also, the renewal month is 12 months from the date the most recent complete application was submitted. BAM 210, p. 2.

The Department does not redetermine the following MA coverages:

- Special N/Support; see BEM 113.
- Title IV-E recipients; see BEM 117.
- Special needs adoption assistance recipients; see BEM 117.
- Department wards; see BEM 117.
- Supplemental Security Income (SSI) recipients; see BEM 150.

BAM 210, p. 3.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 10. When a complete packet is received, the Department records the receipt in its system as soon as administratively possible. BAM 210, p. 10. If the redetermination is submitted through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210, p. 10. For MA cases, benefits are not automatically terminated for failure to record receipt of the redetermination packet. BAM 210, p. 11.

In the present case, Claimant's AHR provided credible evidence that the third party submitted Claimant's redetermination in December 2014. As proof, the AHR provided an e-mail from the third party dated March 31, 2015. See Exhibit A, p. 1. The e-mail stated that the third party filed Claimant's redetermination timely. See Exhibit A, p. 1. In response, the Department testified that it never received the redetermination as alleged by Claimant's AHR.

Based on the foregoing information and evidence, the Department did not act in accordance with Department policy when it closed Claimant's MA benefits effective January 1, 2015. Even though the Department argued that it did not receive Claimant's redetermination, the AHR provided credible evidence that the redetermination was submitted timely. The AHR provided as evidence an e-mail from the third party indicating that it submitted Claimant's redetermination in December 2014. See Exhibit A, p. 1. Because Claimant's AHR provided credible evidence that her redetermination was submitted before the end of the benefit period (December 31, 2014), the Department improperly closed her MA benefits in accordance with Department policy. See BAM 105, p. 7 and BAM 210, pp. 1-11.

DECISION AND ORDER

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

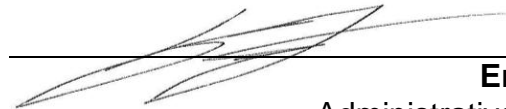
act in accordance with Department policy when it closed Claimant's MA benefits effective January 1, 2015.

Accordingly, the Department's MA 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 Claimant's MA case as of January 1, 2015;
2. Begin recalculating the MA budget for January 1, 2015, ongoing, in accordance with Department policy;
3. Issue supplements to Claimant for any MA benefits she was eligible to receive but did not from January 1, 2015, ongoing; and
4. Notify Claimant and Claimant's AHR of its MA decision.

IT IS ALSO ORDERED that Claimant's **FAP** hearing request is **DISMISSED**.



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **4/21/2015**

Date Mailed: **4/21/2015**

EJF/tm

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

