

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
██████████  
████████████████████

Reg. No.: 15-006635  
Issue No.: 2002  
Case No.: ██████████  
Hearing Date: June 01, 2015  
County: WAYNE-35 (REDFORD)

**ADMINISTRATIVE LAW JUDGE: Robert J. Chavez**

**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 June 1, 2015, from Detroit, Michigan. Participants on behalf of Claimant included William Cash. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

**ISSUE**

Did the Department properly close Claimant's Healthy Michigan Program (HMP) 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. Claimant was an HMP recipient.
2. On February 10, 2015, Claimant was sent redetermination paperwork in regard to a redetermination of eligibility that was due on April 1, 2015.
3. Claimant did not return the redetermination paperwork.
4. On March 20, 2015, Claimant was sent a notice of case action closing HMP benefits effective April 1, 2015.
5. All paperwork was sent to the address provided by the Claimant on the initial benefit application.

## **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.

Failure to complete a redetermination can result in benefit case closure. BAM 210.

In the current case, Claimant alleged that the redetermination paperwork was not received; therefore, it was never returned.

However, the Department used the address that was on file for the Claimant; this address was given by the Claimant at initial application. During the hearing, it was discovered that this address was incorrect.

The general test used by the undersigned in any case is whether the Department's actions in a given case were correct at the time the action was taken, using the information in the Department's possession.

In the current case, the information in the possession of the Department, regarding Claimant's mailing address, was indisputably incorrect. However, this information was provided by the Claimant himself. As such, while the redetermination paperwork in question was sent to the wrong address, this error was the fault of the Claimant. The undersigned cannot find that the Department erred when the reason for that error was a mistake made by the Claimant.

As such, the undersigned must hold that the Department acted correctly in the current case, and the failure to return the redetermination was the fault of the Claimant. Therefore, as a failure to return a redetermination can result in benefit case closure, the Department was correct to close the Claimant's benefits.

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 closed Claimant's HMP benefits.

**DECISION AND ORDER**

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



---

**Robert J. Chavez**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **6/4/2015**

Date Mailed: **6/4/2015**

RJC / 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:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]