

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

**IN THE MATTER OF:**

[REDACTED]

MAHS Reg. No.: 15-019588  
Issue No.: 2003  
Agency Case No.: [REDACTED]  
Hearing Date: January 20, 2016  
County: Oakland (03)

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a three-way telephone conference hearing was held on January 20, 2016, from Lansing, Michigan. Petitioner participated and testified via telephone. [REDACTED] (Eligibility Specialist/Hearings Facilitator) represented the Department of Health and Human Services (Department).

**ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA)/Medicare Savings Program (MSP), Additional Low-Income Medicare Beneficiaries (ALMB) benefits due to failure to return the redetermination packet?

**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 was active for ALMB.
2. On August 17, 2015, the Department mailed Petitioner a redetermination form (DHS-1010), which was due on or before September 1, 2015. [Exhibit 1, pp. 7-12].
3. Petitioner failed to return the redetermination form before the September 1, 2015 deadline.
4. On September 29, 2015, the Department mailed Petitioner a Health Care Coverage Determination Notice (DHS-1606) which closed Petitioner's ALMB case effective October 1, 2015 due to failure to return the redetermination form. [Exh. 1, pp. 4-6].

5. On October 12, 2015, Petitioner requested a hearing to dispute the Department action.

### **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.

Medicare Savings Programs are SSI-related MA categories. BEM 165 (1-1-2015), p. 1. Additional Low-Income Medicare Beneficiaries (ALMB) is where a person's net income is over 120% of poverty but not over 135% of poverty. BEM 165, p. 1. ALMB pays Medicare Part B premiums provided funding is available. BEM 165, p. 2.

The Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes thorough review of -all eligibility factors. BAM 210, p 1 (7-1-2015). Redetermination is defined as "the periodic, thorough re-evaluation of all eligibility factors to determine if the group continues to be eligible for program benefits." Bridges Program Glossary, p 54. For all programs, a complete redetermination is required at least every 12 months. BAM 210, p 1.

For MA, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210, p 2. For MA, verifications are due the same date as the redetermination/review interview. When an interview is not required, verifications are due the date the packet is due. BAM 210, p 14.

Here, the Department indicates that Petitioner's ALMB case was properly closed because Petitioner failed to return the redetermination form before the due date. Petitioner does not dispute the Department's contentions. Petitioner admits that she both received and failed to return the redetermination packet.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity

of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. The record shows that the Department properly closed Petitioner's MA-ALMB case because she failed to return the redetermination packet. BAM 210 clearly indicates that MA benefits stop at the end of the benefit period "**unless** a redetermination is completed **and** a new benefit period is certified." See BAM 210, p 2. Because Petitioner failed to complete and return the redetermination, her MA-ALMB benefits must be closed. Therefore, the material, competent and substantial evidence on the whole record shows that the Department was required to close Petitioner's MA-ALMB benefits under BAM 210.

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 Petitioner's MA-ALMB case.

#### **DECISION AND ORDER**

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



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**C. Adam Purnell**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health & Human Services

Date Mailed: 1/21/2016

CAP/las

**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:

