



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED] [REDACTED]
Date Mailed: March 23, 2016
MAHS Docket No.: 15-024474
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 telephone hearing was held on March 22, 2016, from Lansing, Michigan. Petitioner personally appeared and provided testimony. [REDACTED] (Petitioner's Home Health Care Provider) appeared as a support person for Petitioner, but she did not provide any testimony. [REDACTED] (Hearings Facilitator) represented the Department of Health and Human Services (Department).

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) or Medicaid case due to failure to properly return a 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 MA benefits under the Healthy Michigan Plan (HMP).
2. On November 16, 2015, the Department mailed Petitioner a Redetermination packet (DHS-1010), which was due to be completed and returned on or before December 1, 2015. [Exhibit D].
3. Petitioner completed and returned the DHS-1010 packet.
4. The Department processed Petitioner's DHS-1010 and discovered that her Medicare Part B expenses were now covered.

5. On January 5, 2016, the Department mailed Petitioner a Health Care Coverage Determination Notice (DHS-1606) which approved Petitioner for MA with a \$ [REDACTED] monthly deductible effective January 1, 2016 ongoing. [Exh. F].
6. On December 29, 2015, Petitioner requested a hearing and indicated that the Department improperly cut off her MA benefits due to failure to turn in redetermination paperwork. [Exh. C].

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.

The Department of Human Services must periodically redetermine an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210, p 1 (1-1-2016). 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 all programs, 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, policy requires the Department record the receipt in Bridges 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, 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.

In the instant matter, Petitioner requested a hearing because she believed the Department closed her MA case (as of December 31, 2015) due to failure to return requested redetermination forms. The Department contends that Petitioner's MA case (HMP) was not closed, but that she was provided with MA-G2C benefits with a deductible. The Department provided documentation in the form of a notice of case

action or health care coverage determination notice that showed Petitioner's MA case was not closed. Petitioner insisted that she received a notice of case action which indicated that her MA case had closed, but she did not provide any supportive documentation. Petitioner's request for hearing concerned only the issue concerning the closure of her MA/HMP case due to failure to return the redetermination. She did not request a hearing to challenge the MA deductible amount.

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 document evidence in the record and the credible testimony from the Department representative shows that Petitioner did turn in her redetermination packet and the Department processed it. Petitioner could not show that the Department actually closed her HMP/MA case due to failure to provide a redetermination packet. Based on the request for hearing (closure of MA benefits due to failure to return the redetermination packet), the Department has sufficiently shown that Petitioner's MA case was not closed and was ongoing. [Exh. F]. The record did establish that Petitioner's HMP case became a deductible effective January 1, 2016.

The material, competent and substantial evidence on the whole record shows that the Department did not, in fact, close Petitioner's MA case due to failure to provide requested redetermination forms.

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. The Department did not close Petitioner's HMP case due to failure to provide a redetermination packet. But even it had, the record evidence showed that Petitioner's MA case was opened on January 1, 2016 with a deductible amount. Petitioner did not request a hearing to dispute the deductible.

DECISION AND ORDER

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

IT IS SO ORDERED.



CP/las

C. Adam Purnell

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]