



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 11, 2016
MAHS Docket No.: 16-001287
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 9, 2016, from Lansing, Michigan. The Petitioner was, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Eligibility Specialist, [REDACTED] and Family Independence Manager, [REDACTED].

The following exhibits were offered and admitted into evidence:

Petitioner: none.

Department: A-January 26, 2016, DHS-1606, Health Care Coverage Determination Notice.
B-Medicaid Eligibility Summary.
C-December 15, 2015, DHS-574, Redetermination Telephone Interview and DHS 1010, Redetermination.
D-Electronic Case File, all documents.
E-DHS 254, Notice of Interview.
G-Case Comments.
H-May 27, 2015, DHS 1606, Health Care Coverage Determination Notice.
F-Electronic Case File for applications and redeterminations only.

ISSUE

1. Did the Department act in accordance with Department policy when processing the Petitioner's application for Medical Assistance (MA) and Retro-MA?

2. Did the Department act in accordance with its policy when taking action to close the Petitioner's Food Assistance Program (FAP) case due to the Petitioner's failure to return his redetermination forms?

FINDINGS OF FACT

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

1. The Petitioner was an ongoing recipient of monthly FAP benefits in the amount of 16.
2. On December 15, 2015, the Department sent the Petitioner a redetermination form and a redetermination telephone interview form. The redetermination form, verifications and interview were due by January 4, 2016.
3. On January 31, 2016, the Petitioner's FAP case closed.
4. On January 26, 2016, the Petitioner returned a portion of the redetermination form.
5. On April 30, 2015, the Petitioner submitted an application for MA and Retro-MA, with medical bills from February, 2015.
6. On May 18, 2015, the Petitioner's MA applications were processed, and his medical bills were entered into the system, but the worker entered the medical bills for future months and not the month the Petitioner incurred them. The Petitioner's medical bills were therefore not paid.
7. On January 26, 2015, the Petitioner came into his local office to complain that the bills were still not paid and were now in collections.
8. On January 26, 2016, the Department asserts that the Petitioner's case was corrected and the Petitioner met his deductible for February 2015.
9. On January 26, 2016, the Department received the Petitioner's written hearing request protesting the closure of his FAP case and the Department's failure to properly process his application for MA and properly determine that he met his deductible for February, March and April 2015.
10. During the hearing, the Department's documents indicated that the Petitioner did meet the deductible for February, 2015 and April, 2015. There was no evidence to support that the Petitioner met his deductible down for March, 2015.

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.

Additionally, Bridges Eligibility Manual 210 (2015) p. 1 provides that a complete redetermination is required at least every 12 months. For FAP, benefits stop at the end of the benefit period. Unless a redetermination is completed and a new benefit period is certified, the Department's policy instructs the Department's worker that, if the Petitioner does not begin the redetermination process, to allow the benefit period to expire. In this case, the uncontested fact is that the Petitioner submitted nothing by the due date and when he did submit something over three weeks later, it was only a portion of the form. Therefore, this Administrative Law Judge concludes that the Department was acting in accordance with departmental policy when taking action to close the Petitioner's FAP case.

Regarding the MA, it is not contested that the Petitioner's application was not properly processed. However, the evidence is persuasive that the Petitioner has met his deductible for February and April of 2015. Therefore, the only month at issue is March of 2015. There is no evidence of the Petitioner's eligibility for that month contained in the record. As such, this Administrative Law Judge concludes that the evidence remains insufficient to establish that the Department acted in accordance with Department policy when determining the Petitioner's eligibility for MA; specifically, at this point, the month of March 2015.

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 act in accordance with its policy when taking action to close the Petitioner's FAP case; however, the Department did not act in accordance with Department policy when it determined the Petitioner's eligibility for MA.

DECISION AND ORDER

Accordingly, the Department's 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. Redetermine the Petitioner's eligibility for MA for the month of March, 2015, and
2. issued the Petitioner any supplement he may thereafter be due, and
3. issue the Petitioner a benefit notice informing the Petitioner of the Department's eligibility determination, and
4. the Petitioner shall retain the right to request a hearing on the new determination.



SH/nr

Susanne E. Harris
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]

[REDACTED]