



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: April 4, 2016
MAHS Docket No.: 16-000975
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 31, 2016, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close the Petitioner's Medical Assistance (MA) case for failure to complete the redetermination?

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 Medical Assistance (MA).
2. The Department issued a Redetermination to the Petitioner dated December 15, 2015, for a review of her MA benefits. The Redetermination was due January 4, 2016. Petitioner Exhibit 1.
3. The Petitioner received the Redetermination back in the mail due to failing to put the material in the envelope so the address of the Department could be seen. The Petitioner re-mailed the completed Redetermination to the Department; and it was received on January 27, 2016. Petitioner's Exhibit 1.

4. The Department never opened the envelope containing the Redetermination and never processed it.
5. The Department issued a Health Care Coverage Determination Notice on January 16, 2016, which closed the Petitioner's MA effective February 1, 2016, due to failure to complete the Redetermination. Exhibit 1.

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.

In this case, the Petitioner provided a Redetermination to the Department prior to the closure of her MA case on February 1, 2016. The Department never opened the envelope for the returned Redetermination; and thus, it was never processed to determine Petitioner's ongoing MA eligibility. Although the Redetermination was contained in an envelope attached by the Petitioner to her Hearing Request, the Department never opened the envelope that was addressed properly to it. Therefore, it was unaware that the Redetermination had been returned.

All Programs

The Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 130 (January 1, 2016), p.1

All Programs

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for any of the following reasons: ...Complied with program requirements before negative action date. BAM 205, (July 1, 2014), p. 1.

The Department at the hearing conceded that the envelope that it received as part of the Hearing Request should have been opened and placed in the Department's electronic case file, which was not done. Therefore, under these facts, the Department must process the Redetermination it received on January 27, 2016, which was date-stamped received before the MA closure date. Petitioner Exhibit 1.

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 failed to process the Redetermination and closed the Petitioner's case.

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. The Department shall reinstate the Petitioner's MA case as of the date of closure and process the Redetermination.
2. The Department shall place a copy of Petitioner's Redetermination in the electronic case file.
3. The Department shall provide the Petitioner written notice regarding the results of its review of Petitioner's MA and the Department's eligibility determination.

LMF/jaf



Lynn M. Ferris

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]

Petitioner

[REDACTED]

cc:

[REDACTED]