



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 22, 2016
MAHS Docket No.: 16-003217
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 April 13, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's MA benefits effective January 1, 2016 for failure to return 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. Petitioner is an ongoing MA recipient.
2. On [REDACTED], the Department sent Petitioner a Redetermination which was due to be completed and returned by [REDACTED].
3. Petitioner did not return the Redetermination by the required due date.
4. On [REDACTED], the Department sent Petitioner a Health Care Coverage Determination Notice notifying him that his MA benefits would close effective [REDACTED] for failing to return the Redetermination.

5. On [REDACTED], Petitioner reapplied for MA benefits.
6. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.
7. On [REDACTED], Petitioner's new application for MA benefits was approved effective [REDACTED].

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.

SER

The Department testified, and Petitioner confirmed, that he had not applied for SER since [REDACTED]. Because Petitioner did not apply for benefits and because the Department took no action, there is no issue for the undersigned to address. Therefore, Petitioner's Request for hearing relating to SER benefits is **DISMISSED**.

FAP

Petitioner requested a hearing to dispute action taken by the Department relating to his FAP benefits. Shortly after commencement of the hearing, Petitioner testified that he now understood the actions taken by the Department and did not wish to proceed with the hearing with regard to his FAP benefits. The Request for Hearing was relating to Petitioner's FAP benefits was withdrawn. The Department agreed to the dismissal of the hearing request relating to Petitioner's FAP benefits. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing is, hereby, **DISMISSED**.

MA

Petitioner requested a hearing to dispute the closure of his FAP benefits effective [REDACTED]. The Department is required to periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 October 2015), p. 1. In this case, the Department indicated that it mailed a Redetermination to Petitioner on [REDACTED],

██████████ The Redetermination was required to be completed and returned by ██████████

The Department testified that it did not receive the Redetermination by the due date. The Department indicated that because Petitioner failed to return the Redetermination, it sent Petitioner a Health Care Coverage Determination Notice on ██████████, which informed Petitioner that his MA coverage would close effective ██████████. Petitioner acknowledged that he failed to return the Redetermination because he misread the document. Petitioner indicated that he had medical conditions which make it difficult for him to understand at time. There was no evidence that Petitioner made the Department aware, prior to the due date, of any limitations regarding completing the Redetermination.

Petitioner testified that he is now aware that he needs to inform the Department if he is experiencing difficulty understanding and/or completing documentation. Petitioner has since reapplied for benefits and his new application has been approved for MA benefits effective ██████████.

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 benefits effective ██████████ for failure to return the Redetermination.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** relating to the closure of Petitioner's MA benefits effective ██████████.

Petitioner's Request for Hearing relating to SER benefits is **DISMISSED** as there is no issue to resolve.

Petitioner's request to withdraw his Request for Hearing relating to FAP benefits is **GRANTED**.

JM/hw



Jacquelyn A. McClinton

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]