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GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: May 6, 2016
MAHS Docket No.: 16-002234
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 14, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. Petitioner was present with ██████████ and ██████████, Advocates. The Department of Health and Human Services (Department) was represented by ██████████ ██████████ Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) and Medicare Savings Program (MSP) cases on the basis that she failed to return a 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 was an ongoing recipient of MA and MSP benefits.
2. On December 15, 2015, the Department sent Petitioner a redetermination for her MA and MSP cases that was to be completed and returned to the Department by January 4, 2016. (Exhibit A, pp. 2-7)
3. The Department did not receive Petitioner's completed redetermination by January 4, 2016. (Exhibit A, p. 12)

4. On January 16, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) informing her that effective February 1, 2016, her MA and MSP cases would be closed on the basis that she failed to return the redetermination. (Exhibit A, pp. 8-11)
5. On February 17, 2016, Petitioner requested a hearing disputing the Department's actions.

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.

MSP are SSI-related MA categories and the Qualified Medicare Beneficiaries (QMB) is a full coverage program. BEM 165 (January 2016), p. 1. The Department must periodically redetermine an individual's eligibility for active programs, such as MA and MSP. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (October 2015), p 1. Unless otherwise specified by Department policy, a client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. 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. The Department allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information for MA redeterminations. BAM 210, p.14. For MA cases, 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. The Department will provide the client with timely notice of the negative action if the time limit is not met. BAM 210, p.14.

In this case, the Department testified that because it did not receive a completed redetermination form from Petitioner by the January 4, 2016, due date and because it did not receive any contact from Petitioner concerning the redetermination prior to the due date, it sent Petitioner a Notice dated January 16, 2016, informing her that effective

February 1, 2016, her MA and MSP cases would be closed due to a failure to return the redetermination. BAM 210, p. 14; (Exhibit A; Exhibit B). The Department confirmed receiving telephone calls from Petitioner after the due date of the redetermination and after the case closure notice was issued. The Department stated that the redetermination was not received prior to the case closure. The Department testified that Petitioner subsequently reapplied for MA and MSP benefits and was approved for MA for the period of February 1, 2016, ongoing and approved for MSP effective March 1, 2016.

At the hearing, Petitioner confirmed receiving the redetermination and stated that she completed the form on December 22, 2015. Petitioner testified that she mailed the completed form and additional verifications to the Department on December 28, 2015, from the Post Office mailbox with her return address labeled. Petitioner stated that she contacted the Department prior to her admission to the hospital on January 12, 2016, to inquire about whether or not the Department received the redetermination and to inform the Department that she would be unavailable due to a hospital admission. Petitioner testified that she was released from the hospital on or around January 23, 2016, and that she made telephone calls to her Department case worker on January 25, 2016, January 26, 2016, January 28, 2016, February 1, 2016, and February 2, 2016 regarding the redetermination and the case closure.

Petitioner provided for review what she testified were copies of the cover letter, completed redetermination form and additional verifications that she indicated she mailed to the Department on December 28, 2015. (Exhibit 1). The documents were reviewed by the Department during the hearing and the Department representative noted that the redetermination form does not appear to be a copy, as there are portions of the form that have original handwritten black ink. (Exhibit 1). The Department maintained that the documents presented by Petitioner in support of her testimony cannot be copies of what she asserts she mailed on December 28, 2015. Upon further review of the documents presented by Petitioner, the documents appear to have been altered. Thus, Petitioner has not established that she timely submitted the redetermination form and additional verifications to the Department prior to the due date and case closure.

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 because Petitioner failed to establish that the redetermination was timely submitted, the Department acted in accordance with Department policy when it closed Petitioner's MA and MSP cases.

DECISION AND ORDER

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



ZB/tlf

Zainab Baydoun
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

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