



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: May 20, 2016
MAHS Docket No.: 16-002766

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 11, 2016, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager.

ISSUE

Did the Department properly allow the Petitioner's Medical Assistance (MA) case to close because he failed to submit the required Redetermination Application, DHS 1010 by the due date?

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 a recipient of MA with a redetermination due.
2. On January 11, 2016, the Department sent the Petitioner a Redetermination Application, DHS 1010, with a due date of February 1, 2016. Department Exhibit 2a-f.
3. On February 17, 2016, the Department sent the Petitioner a case closure notice that because he failed to return the redetermination form that the Department

could not determine his continued eligibility for MA and his case would close effective March 1, 2016. Department Exhibit 1-1b.

4. On February 26, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 was a recipient of MA with a redetermination due. On January 11, 2016, the Department sent the Petitioner a Redetermination Application, DHS 1010, with a due date of February 1, 2016. Department Exhibit 2a-f. On February 17, 2016, the Department sent the Petitioner a case closure notice that because he failed to return the redetermination form that the Department could not determine his continued eligibility for MA and his case would close effective March 1, 2016. Department Exhibit 1-1b. On February 26, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 110, 115, 130, 200, 210, 220, and 600.

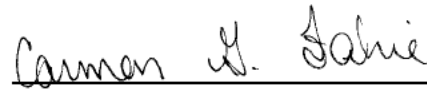
During the hearing, the Petitioner stated that he did not receive the DHS 1010, but a confirmation of his address was the same as the [REDACTED] listed. He received the notice of case closure and the notice of his hearing. The Petitioner could have called his Department Caseworker as a result of the notice of case closure and submit the DHS 1010 up to February 29, 2016 to keep his MA case open.

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 the Petitioner's MA case because he failed to submit his DHS 1010 by the due date.

DECISION AND ORDER

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

CF/db



Carmen G. Fahie
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

