



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 27, 2016
MAHS Docket No.: 16-003610
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. 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 May 2, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing with her daughter, [REDACTED], who served as [REDACTED] translator. Petitioner represented herself for the hearing. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) case?

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 benefits.
2. In connection with a redetermination, Petitioner's eligibility to receive MA benefits was reviewed.
3. On January 11, 2016, the Department sent Petitioner a Redetermination that she was instructed to complete, sign, and return to the Department by February 1, 2016. (Exhibit A, pp. 4-9)

4. On January 27, 2016, Petitioner completed and returned the Redetermination to the Department. Petitioner did not sign the Redetermination as required. (Exhibit A, p. 9)
5. On February 17, 2016, the Department sent Petitioner an Appointment Notice informing her that an in person appointment was scheduled for February 23, 2016, regarding the Redetermination. (Exhibit A, p. 10)
6. Petitioner did not attend the scheduled appointment.
7. On February 23, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice advising her that effective April 1, 2016, MA benefits for herself and her child would be closed. (Exhibit A, pp. 11-14)
8. On March 11, 2016, Petitioner requested a hearing disputing the Department's actions with respect to her MA case.(Exhibit A, p. 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.

The Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (January 2016), 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. A redetermination packet is considered complete when all sections of the redetermination form including the signature section are completed. BAM 210, p. 10. 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 although Petitioner timely submitted her Redetermination form on January 27, 2016, the Redetermination was considered incomplete because Petitioner did not sign or complete the signature section/requirement. A review of the Redetermination sent to the Department on January 27, 2016, shows that it is not signed. (Exhibit A, p. 9). The Department stated that it attempted to contact Petitioner via telephone to have her review the paperwork and to notify her that the Redetermination was considered incomplete, but Petitioner could not be reached. The Department testified that on February 17, 2016, it sent Petitioner an Appointment Notice instructing her to appear for an in person appointment on February 23, 2016, to sign and complete the redetermination process, however, Petitioner did not attend the appointment. The Department stated that because the redetermination was not completed prior to the end of the benefit period, Petitioner's MA benefits stopped and a Health Care Coverage Determination Notice was issued on February 23, 2016, advising of a case closure effective April 1, 2016.

At the hearing, Petitioner testified that it is possible she did not sign the Redetermination prior to sending it to the Department because her English is bad. Petitioner stated that she did not receive any phone calls from the Department and that she did not attend the appointment on February 23, 2016, because she received the Appointment Notice late, after February 23, 2016. Petitioner testified that she called the Department case worker after she missed the appointment, but could not recall when.

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 although the reason for closure listed on the Health Care Coverage Determination Notice was inaccurate, the Department acted in accordance with Department policy when it closed Petitioner's MA case effective April 1, 2016, as Petitioner's Redetermination was not signed and thus incomplete. Petitioner is informed that she is entitled to submit a new application for MA benefits and have her eligibility determined.

DECISION AND ORDER

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

ZB/tlf



Zainab A. 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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