



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: June 3, 2016
MAHS Docket No.: 16-003787
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 5, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing with her mother, [REDACTED] and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearings Facilitator.

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. On an unverified date, Petitioner submitted an application for MA benefits.
2. On February 2, 2016, the Department sent Petitioner a Health Care Coverage Supplemental Questionnaire (Questionnaire) which she was instructed to complete and return to the Department by February 16, 2016. (Exhibit A, pp.8-10)
3. On March 11, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) informing her that she was ineligible for MA benefits for the period of February 1, 2016, ongoing, on the basis that she failed to return the supplemental questionnaire mailed to her. (Exhibit A, pp. 6-7)

4. On March 18, 2016, Petitioner requested a hearing disputing the Department's actions. (Exhibit A, pp. 2-4)

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.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2016), p.1. To request verification of information, the Department will inform the client of what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The DHS-1004, Health Care Coverage Supplemental Questionnaire, is used to gather additional information when the applicant indicates a disability on the DCH-1426 (MA application). BEM 105 (January 2016), p. 3. With respect to MA cases, clients are given 10 calendar days to provide the verifications requested by the Department. BAM 130, pp.7-8. Verifications are considered to be timely if received by the date they are due. BAM 130, p.7-8. The Department will send a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 8.

In the present case, neither the Department nor Petitioner could identify the exact date of application; however, the Department confirmed that an application for MA benefits was received on an unverified date. The Department testified that in connection with the MA application submitted, it sent Petitioner a Questionnaire that she was instructed to complete and return to the Department by February 16, 2016. The Department stated that because Petitioner did not return the completed Questionnaire by the due date, it sent her a Notice advising that she was ineligible for MA on the basis that she failed to return the Questionnaire. (Exhibit A).

At the hearing, Petitioner confirmed receiving the Questionnaire and stated that a few days after receiving the Questionnaire, she received a notice from the Department advising her that she was approved for MA benefits. Petitioner stated that she did not complete and return the Questionnaire because she did not know it was still needed

since she had received an approval notice. The Department testified that it may have sent Petitioner an approval notice and found her eligible for MA initially based on the presumptive eligibility policy, however, neither Petitioner nor the Department presented the approval notice for review. See BEM 136 (January 2016). Petitioner further confirmed that she requested a hearing after she received the March 11, 2016, Notice of denial of ongoing MA benefits. Petitioner stated that she submitted the completed Questionnaire with her hearing request. However, because Petitioner did not submit the Questionnaire by the due date, the Department acted appropriately by finding Petitioner ineligible for MA benefits.

Petitioner also asserted that she submitted an application for MA benefits in October 2015 and that she had not received any eligibility notices from the Department regarding the application. The Department did not have any information concerning an October 2015 MA application submitted by Petitioner and Petitioner did not present any documentary evidence or any additional information verifying that she submitted the application, such as the exact date the application was submitted. Thus, Petitioner failed to establish that the Department received a MA application in October 2015 that it failed to process. See BAM 110 (July 2015); BAM 115 (October 2015); BAM 220 (October 2015).

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 case on the basis that she failed to return the Questionnaire. Petitioner is informed that she is entitled to submit a new application for MA and have her eligibility determined.

DECISION AND ORDER

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



Zainab A. Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

ZB/tlf

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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