



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 9, 2016
MAHS Docket No.: 16-004808
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 May 23, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. [REDACTED] [REDACTED] Petitioner's roommate, also appeared as a witness on behalf of 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 February 1, 2016 due to 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 was an ongoing MA recipient.
2. On [REDACTED], the Department sent Petitioner a Redetermination which was to be completed and returned on or before [REDACTED].
3. Petitioner failed to return the Redetermination.

4. On [REDACTED], the Department sent Petitioner a Health Care Coverage Determination Notice which notified Petitioner that his MA benefits would close effective [REDACTED].
5. On [REDACTED], Petitioner filed a Request for 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.

Additionally, 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 [REDACTED].

The Department testified that it did not receive the Redetermination by the due date and had not received the Redetermination as of the date of the hearing. The Department indicated that because Petitioner failed to return the Redetermination, it sent Petitioner a Health Care Coverage Determination Notice on [REDACTED], which informed Petitioner that effective [REDACTED], his MA benefits would close effective [REDACTED].

It was clear during the hearing that Petitioner is in need of additional services. However, it does not appear that Petitioner has a guardian. Further, the Department testified that it was unaware of any issues Petitioner may have had prior to the date of the hearing. Petitioner's roommate acknowledged that the Redetermination was received and given to Petitioner. Petitioner's roommate also indicated that the Redetermination was not returned as a Request for Hearing was filed in lieu of completing the Redetermination. As such, it is found that the Department was unable to determine Petitioner's continued eligibility for MA benefits and thus properly closed Petitioner's MA benefits.

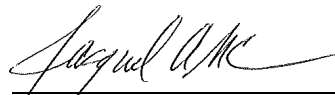
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Petitioner's MA benefits for failure to return the Redetermination.

DECISION AND ORDER

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

IT IS FURTHER ORDERED that a referral is to be made to Adult Protective Services due to a potential psychological condition or other issues which may prevent Petitioner's adequate management or discharge of financial or other personal affairs in accordance with Adult Services Manual, Item 210 and 2015.

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]