



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: July 12, 2016
MAHS Docket No.: 16-006405
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 June 13, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator, and [REDACTED], hearing facilitator.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's child's Medical Assistance (MA) eligibility.

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's child was an ongoing MA benefit recipient.
2. Petitioner's child's MA eligibility was scheduled to end, effective May 2016.
3. On [REDACTED], MDHHS mailed Petitioner a Redetermination.
4. Petitioner failed to return the Redetermination or supporting documents to MDHHS before the end of April 2016.
5. On [REDACTED], MDHHS mailed Petitioner a Health Care Coverage Determination Notice informing Petitioner that her child's MA eligibility would end,

effective May 2016, due to Petitioner's failure to return redetermination documents.

6. On [REDACTED], Petitioner requested a hearing to dispute the termination of MA benefits.

CONCLUSIONS OF LAW

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the termination of her child's MA eligibility, effective May 2016. MDHHS presented a Health Care Coverage Determination Notice (Exhibit 1, pp. 7-9) dated [REDACTED]. The notice stated Petitioner's child's MA eligibility was ending due to Petitioner's failure to return redetermination documents.

The Michigan Department of Health and Human Services must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2015), p. 1. The redetermination process includes thorough review of all eligibility factors. *Id.* A complete redetermination is required at least every 12 months. *Id.* Bridges sets the redetermination date according to benefit periods... *Id.*

For all programs, Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. *Id.*, p. 6. Redetermination forms... include a Redetermination DHHS-1010. *Id.* [For MA,] benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. *Id.*, p. 2.

MDHHS presented a Redetermination (Exhibit 1, pp. 1-6) dated [REDACTED]. Petitioner testimony conceded she received the Redetermination. Petitioner testified she returned the Redetermination to MDHHS in May 2016, after her child's MA benefit period ended. Petitioner's failure to return the Redetermination before the end of the benefit period justifies closure of the MA benefits.

Petitioner contended the MDHHS Redetermination mailing did not occur when stated. Petitioner testified she received the Redetermination approximately one week before she submitted to MDHHS; her estimated receipt date would be [REDACTED].

Petitioner's testimony might have been verified by the Redetermination's mailing envelope; Petitioner did not present the mailing envelope for the Redetermination. During the hearing, MDHHS checked their correspondence history. It was not disputed that the correspondence history listed the Redetermination as mailed via "central print" on [REDACTED]. A centrally printed document is understood to be one that is computer generated and mailed. Thus, there is no possibility for human error in the document's creation or mailing. There was also no dispute about Petitioner's mailing address being correct.

Presented evidence sufficiently established that MDHHS properly and timely mailed Petitioner's child's MA Redetermination. Petitioner's untimely return of the document justified MA benefit termination. Petitioner can always reapply if Medicaid eligibility is still needed.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's child's MA eligibility, effective May 2016, due to Petitioner's failure to return redetermination documents. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki

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



DHHS



Petitioner

