



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: July 13, 2016
MAHS Docket No.: 16-007431

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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; 42 CFR 431.200 - 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on July 12, 2016, from Lansing, Michigan. Petitioner, represented by [REDACTED], personally appeared and testified. Chief Prosecutor of [REDACTED] and Assistance Payment Supervisor [REDACTED] testified as witnesses on behalf of the Department. Department Exhibits 1-17 were admitted. No exhibits were offered into evidence by Petitioner. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly close Petitioner's Medical Assistance and Medicare Savings Program for failure to cooperate with the Office of Child Support?

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 February 16, 2016, the [REDACTED] office mailed Petitioner a questionnaire to complete and return by February 26, 2016. [Dept. Exh. 11].
2. On March 1, 2016, the [REDACTED] office mailed Petitioner a questionnaire to complete and return by March 14, 2016. [Dept. Exh. 11].

3. On March 22, 2016, the [REDACTED] office placed Petitioner into non-cooperation status for failing to complete and return the questionnaire. [Dept. Exh. 11, 18].
4. On March 25, 2016, the Department issued a Health Care Coverage Determination Notice informing Petitioner that beginning May 1, 2016 ongoing, she was not eligible for Medical Assistance and the Medicare Savings Program for failure to cooperate with child support requirements. [Dept. Exh. 6-9].
5. On April 19, 2016, the [REDACTED] office received the completed questionnaire. [Dept. Exh. 12].
6. On April 21, 2016, the [REDACTED] office contacted Petitioner by telephone and sent a letter to Petitioner requesting a copy of [REDACTED] birth certificate. [Dept. Exh. 12, 19].
7. On May 27, 2016, Petitioner submitted a Request for Hearing. [Dept. Exh. 3-4].

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.

In this case, Petitioner was issued a Health Care Coverage Determination Notice on March 25, 2016, informing her that she would no longer be eligible for Medical Assistance and the Medicare Savings Program beginning May 1, 2016 for failure to cooperate with the Office of Child Support. Petitioner credibly testified during the hearing that she had received the March 1, 2016 letter from the [REDACTED] office requesting a copy of [REDACTED] birth certificate.

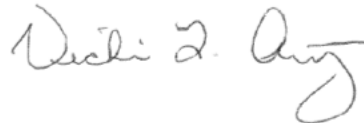
On June 28, 2016, Petitioner submitted a copy of [REDACTED] birth certificate to the [REDACTED] office. Since Petitioner's Medical Assistance and the Medicare Savings Program had closed on May 1, 2016, Petitioner had to reapply for both programs. Petitioner reapplied for both programs on June 28, 2016.

Assistance Payment Supervisor [REDACTED] [REDACTED] credibly testified that once Petitioner's Medical Assistance and Medicare Savings Program application was approved, Petitioner would be reimbursed the [REDACTED] for the month of June and her Medical Assistance and Medicare Savings Program would become effective June 1, 2016.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it closed Petitioner's Medical Assistance and the Medicare Savings Program for failure to cooperate with child support requirements.

DECISION AND ORDER

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



Vicki Armstrong

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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