



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 20, 2016
MAHS Docket No.: 16-007775
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 [REDACTED], [REDACTED] from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], [REDACTED], Hearing Coordinator.

ISSUE

Did the Department properly close the Petitioner's Medical Assistance (MA) case for failure to complete 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. The Petitioner was sent a redetermination on [REDACTED] with a due date of [REDACTED]. The Petitioner did not receive the redetermination until the end of [REDACTED]. Exhibit 1.
2. The Department issued a Health Care Coverage Determination Notice on [REDACTED] closing the Petitioner's MA case effective [REDACTED] for failure to complete the redetermination. Exhibit 2.
3. On [REDACTED], the Petitioner attempted to file her completed redetermination but was told by the front-desk employee she should request a hearing; and she would receive a pre-hearing conference date at which time she could provide the

redetermination. She was not allowed to file the redetermination as planned and was told she did not need to file it.

4. A pre-hearing conference was set for [REDACTED]. The Petitioner did not receive the Notice of the Pre-hearing Conference until the day of the hearing, at which time she called to reschedule the hearing.
5. The Petitioner requested a hearing on [REDACTED], protesting 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.

In this case, the Petitioner attempted to provide a redetermination for her MA to the Department prior to the closure of her MA case. The Petitioner provided the Department person at the front desk with a completed redetermination after the due date but one month before the scheduled case closure on [REDACTED]. The Department front desk person misinformed the Petitioner that she could resolve the matter at a pre-hearing conference and advised the Petitioner to ask for a hearing and was not required to file the redetermination. Thereafter, the Department scheduled a pre-hearing conference, which the Petitioner learned of the day of the hearing and sought to reschedule the pre-hearing conference without success. Thus, the Department never accepted the redetermination so that it could be processed prior to the MA case closure.

All Programs

The Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 130 (January 1, 2016), p.1

All Programs

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for any of the following reasons: ...Complied with program requirements before negative action date. BAM 205, (July 1, 2014), p. 1.

At the hearing, the Department conceded that the front desk person misinformed the Petitioner and should have received the redetermination. Had this occurred, the Petitioner's case could still have been processed as it had not closed. Therefore, under these facts, the Department must reinstate the Petitioner's MA case and process the redetermination. Petitioner Exhibit A. This Decision was also influenced by the fact that the pre-hearing conference should have been rescheduled as the notice was sent eight days after the hearing request and was received on the date of the conference. The Petitioner called to reschedule the pre-hearing conference without success.

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 **did not** act in accordance with Department policy when it did not allow the Petitioner to file her redetermination before the case closure and failed to reschedule a pre-hearing conference as requested by the Petitioner.

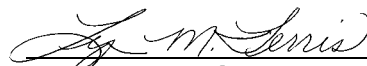
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Petitioner's MA case and process the redetermination.
2. The Department shall provide written notice to the Petitioner regarding the outcome of the MA redetermination processing.

LMF/jaf



Lynn M. Ferris

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]

Petitioner

[REDACTED]

cc:

[REDACTED]