



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: August 25, 2016  
MAHS Docket No.: 16-010292  
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 August 22, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], manager.

### **ISSUE**

The issue is whether Petitioner timely requested a hearing to dispute a termination of Medical Assistance (MA) eligibility through the Healthy Michigan Plan (HMP).

### **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 HMP recipient.
2. On [REDACTED], MDHHS mailed a Health Care Coverage Determination Notice (Exhibit 1, pp. 1-4) informing Petitioner of a termination of HMP benefits, effective May 2016.
3. On [REDACTED], Petitioner requested a hearing to dispute the termination of HMP 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). HMP policies are also found in the Medicaid Provider Manual and Modified Adjusted Gross Income Related Eligibility Manual (MAGIM).

On [REDACTED], Petitioner submitted a hearing request to MDHHS. Petitioner's hearing request alleged she submitted a different hearing request to MDHHS over two weeks earlier. During the hearing, Petitioner was asked how much earlier she submitted her prior request to MDHHS. Petitioner testified her first hearing request submission to MDHHS was 2 weeks before she submitted her hearing request to MDHHS on [REDACTED], [REDACTED]. For purposes of this decision, Petitioner's testimony will be accepted as fact. Thus, Petitioner will be credited with a hearing request submission date of [REDACTED]. The hearing request disputed a termination of HMP eligibility from May 2016.

MDHHS presented a Health Care Coverage Determination Notice (Exhibit 1, pp. 1-4) dated [REDACTED]. The notice informed Petitioner her HMP eligibility would end beginning May 2016 for the reason of excess income.

The individual or authorized hearing representative has 90 calendar days from the date on the written notice of case action to request a hearing. MAGIM (May 28, 2014), p. 27. Days, as used in this item, mean calendar days, unless otherwise specified. *Id.*

Even crediting Petitioner with an earlier submission date than indicated on her second hearing request would not render Petitioner's hearing request to be timely. A [REDACTED] [REDACTED] hearing request date is 105 days after the date MDHHS issued written notice. It is found Petitioner's hearing request was untimely. As discussed during the hearing, Petitioner may reapply at any time if MA eligibility is still wanted.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner untimely requested a hearing to dispute a termination of HMP eligibility, effective May 2016. Petitioner's hearing request is **DISMISSED**.

CG/hw

  
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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**

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]