



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: November 28, 2016  
MAHS Docket No.: 16-013589

[REDACTED]  
[REDACTED]

**ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie**

**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 October 19, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly allow the Petitioner's MA case to close because she did not submit the required Redetermination Application by the due date?

**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 a recipient of MA with a due redetermination due in August 2016.
2. On July 11, 2016, the Department Caseworker sent the Petitioner a Redetermination Application, DHS 1010, that was due on August 1, 2016. Department Exhibit 1, pgs. a1-a6.
3. On August 19, 2016, the Department Caseworker sent the Petitioner a notice of Health Care Coverage Determination Notice, DHS 1606, that her MA coverage

would end on September 1, 2016 because she failed to submit her redetermination application by the due date. Department Exhibit 1, pgs. c1-c2.

4. On September 12, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

### **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 was a recipient of MA with a due redetermination due in August 2016. On July 11, 2016, the Department Caseworker sent the Petitioner a Redetermination Application, DHS 1010, that was due on August 1, 2016. Department Exhibit 1, pgs. a1-a6. On August 19, 2016, the Department Caseworker sent the Petitioner a notice of Health Care Coverage Determination Notice, DHS 1606, that her MA coverage would end on September 1, 2016 because she failed to submit her redetermination application by the due date. Department Exhibit 1, pgs. c1-c2. On September 12, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 210 and 220.

During the hearing, the Petitioner admitted that she did not submit the required redetermination application by the due date. As a result, her MA case closed. The Petitioner is eligible to reapply for MA.

### **DECISION AND ORDER**

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 determined that the Petitioner failed to submit her redetermination application by the due date resulting in the closing of her MA case.

