



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.: 16-014377

[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 27, 2016, from Lansing, Michigan. The Petitioner was represented by himself. 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 July 2016.
2. On June 13, 2016, the Department Caseworker sent the Petitioner a Redetermination Application, DHS 1010, that was due on July 1, 2016. Department Exhibit 1, pgs. 1-6.
3. On June 28, 2016, the completed Redetermination Application, DHS 1010 with 3 check stubs from her job. Department Exhibit 1, pgs. 1-7.
4. On July 23, 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 his redetermination application by the due date. Department Exhibit 1, pgs. 8-11.

5. On September 22, 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 July 2016. On June 13, 2016, the Department Caseworker sent the Petitioner a Redetermination Application, DHS 1010, that was due on July 1, 2016. Department Exhibit 1, pgs. 1-6. On June 28, 2016, the completed Redetermination Application, DHS 1010 with 3 check stubs from her job. Department Exhibit 1, pgs. 1-7. On July 23, 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 his redetermination application by the due date. Department Exhibit 1, pgs. 8-11. On September 22, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 210. BEM 500.


During the hearing, the Petitioner stated that she submitted the required application and income verification before the due date. In addition, she called the Department Caseworker multiple times and left a message, but did not receive a call back. There was no Verification Checklist, DHS 3503, submitted by the Department Caseworker asking for additional information based on the written verifications submitted by the Petitioner. This Administrative Law Judge finds that the Department had the required verifications needed to determine the Petitioner continued eligibility for MA. If any additional information was required, then a Verification Checklist, DHS 3503, should have been sent out requesting additional information from the Petitioner in order to determine continued 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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined that the Petitioner failed to submit the required verifications.

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 of initiating a redetermination of the Petitioner's eligibility for MA retroactive to the closing of her MA case September 2016, by using the written verification submitted on June 28, 2016 or sending out a Verification Checklist, DHS 3503, if additional information is needed.



*Carmen G. Fahie*

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**Carmen G. Fahie**

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]

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