



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

MIKE ZIMMER  
DIRECTOR

[REDACTED]

Date Mailed: March 16, 2016  
MAHS Docket No.: 16-000383  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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 March 9, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

**ISSUE**

Did the Department properly close Petitioner's MA benefits after he failed to timely return 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. Petitioner was a recipient of MA benefits.
2. On [REDACTED], the Department sent Petitioner a Redetermination which was required to be completed and returned on or before [REDACTED].
3. Petitioner failed to return the Redetermination by [REDACTED].
4. On [REDACTED], the Department sent Petitioner a Health Care Coverage Determination Notice, informing him that his MA coverage would close effective [REDACTED].

5. On [REDACTED], Petitioner filed a Request for Hearing, disputing 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.

It should be noted that the Department stated that Petitioner completed a withdrawal of his Request for Hearing prior to the date of the hearing. The Department acknowledged that it failed to forward the withdrawal to the hearing office. Further, for reasons stated below, the undersigned finds that the Department failed to properly advise the Petitioner of all his options at the time he completed the withdrawal. As such, the request to withdraw is not approved.

Additionally, the Department is required to periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 October 2015), p. 1. In this case, the Department indicated that it mailed a Redetermination to Petitioner on [REDACTED]. The Redetermination was required to be completed and returned by [REDACTED]. Petitioner did not return the Redetermination by the required due date. The Department indicated that because Petitioner failed to return the Redetermination, it sent Petitioner a Health Care Coverage Determination Notice on [REDACTED], which informed Petitioner that effective [REDACTED], his MA benefits would close.

Petitioner testified that he has been diagnosed with mental health illnesses and at the time the Redetermination was mailed, he was experiencing symptoms which made him temporarily unable to timely return the Redetermination. Petitioner further testified that he left his residence, which he shares with his parents, and resided with a friend. Petitioner indicated that he returned home and to work at the end of November. Petitioner did not immediately open his mail upon his return home, but did so approximately two weeks later.

Petitioner completed a Request for Hearing on [REDACTED]. As previously stated, Petitioner's MA coverage was not scheduled to close until [REDACTED]. Under Department policy, if a client meets the requirement prior to the effective date, the Department is required to delete the negative action. See Bam 220 pg. 13 (October 2015). Petitioner testified that when he went into a Department office, he was told to reapply. Because Petitioner appeared at a Department office on [REDACTED], which was prior to the effective date of the closure, the Department representative should have advised Petitioner that he still had time to complete the Redetermination prior to the effective date of the negative action. It is therefore found that the Department improperly closed Petitioner's MA coverage by failing to advise Petitioner that he could have cured the issue prior to the effective date of the negative action.

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 closed Petitioner's MA benefits effective [REDACTED].

### **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. Reinstate Claimant's MA benefits effective [REDACTED];
2. Issue supplements to Claimant for MA benefits he was eligible to receive but did not receive from [REDACTED], ongoing; and
3. Notify Claimant in writing.

JM/hw



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**Jacquelyn A. McClinton**

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]