



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 30, 2016
MAHS Docket No.: 16-000932
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 24, 2016, from Lansing, Michigan. [REDACTED] (Authorized Hearing Representative (AHR) represented Petitioner. Petitioner did not appear. [REDACTED] (Family Independence Manager) represented the Department of Health and Human Services (Department). [REDACTED] (Assistance Payments Supervisor) testified as a witness for the Department.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) or "Medicaid" case due to failure to return the redetermination packet?

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 active for MA benefits. [Exhibit 1, pp. 9-11].
2. On November 16, 2015, the Department mailed Petitioner a redetermination packet (DHS-1010) which requested Petitioner complete the form and return it to the Department no later than December 1, 2015. The DHS-1010 form provided instructions for how Petitioner could renew her MA case online or by mail. The specific online instructions provided that in order to renew online, "you may create an account or log on to your existing MI Bridges account and select the Renew My Benefits option by the due date listed above. One you have submitted your

redetermination, you will be given the option to upload required proofs.” [Exh. 1, pp. 3-8].

3. The Department did not receive Petitioner’s completed redetermination packet by the December 1, 2015 due date. [Exh. 1, p. 12].
4. On January 13, 2016, the Department mailed Petitioner a Health Care Coverage Determination Notice (DHS-1606) which determined that Petitioner was no longer eligible for MA effective February 1, 2016. The notice also included the following comments: “[u]pon review of your case it was found that the redetermination paperwork that was due December 2015 was not received, therefore your medical assistance is closing.” [Exh. 1, pp. 14-17].
5. On January 22, 2016, the Department received a Request for Hearing from Petitioner’s AHR challenging the Department’s decision to close Petitioner’s MA case. [Exh. 1, pp. 1-2].
6. On March 8, 2016, the Michigan Administrative Hearing System (MAHS) mailed a Notice of Hearing to the parties which scheduled a telephone hearing for March 24, 2016.
7. The hearing took place on March 24, 2016 as scheduled.
8. During the hearing, Petitioner’s AHR testified that she assisted Petitioner complete the redetermination packet online. According to the AHR, the redetermination packet was completed sometime in late December, 2015. The AHR stated that the completed redetermination packet was completed, scanned onto the computer in PDF format. The completed redetermination packet, according to the AHR, was uploaded to the Bridges website and sent to Petitioner’s caseworker, Meghan Arnson. The AHR stated that she received an indication on the system at the time that the documents were submitted and will be sent to the caseworker, but she did not receive an email confirmation. [Testimony of Laureen Jerry].
9. The Department offered the testimony of Assistance Payments Supervisor (APS) [REDACTED] as a witness at the hearing. [REDACTED] testified that she was familiar with the online Bridges system available to clients. [REDACTED] stated that each client has access to the online system with a username and password. According to [REDACTED], clients can use the online system to update their cases, provide verifications and communicate with the Department. [REDACTED] testified that each client is maintained on the system by their case number. She also stated that the caseworker assigned to a particular client will receive an alert whenever documents are sent through the online system. [Testimony of [REDACTED]].
10. The Department representative, [REDACTED], Family Independence Manager, (FIM) testified at the hearing that the Department’s online Bridges system was not malfunctioning between November, 2015 and January, 2016. [REDACTED] also stated that the Department’s Bridges system did not show evidence that the

Department received Petitioner's completed redetermination packet at any time. [Testimony of ██████████].

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.

The Department of Human Services must periodically redetermine an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210, p 1 (1-1-2016). Redetermination is defined as "the periodic, thorough re-evaluation of all eligibility factors to determine if the group continues to be eligible for program benefits." Bridges Program Glossary, p 54. For all programs, a complete redetermination is required at least every 12 months. BAM 210, p 1.

For MA, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210, p 2. For all programs, a redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p 10. When a complete packet is received, policy requires the Department record the receipt in Bridges as soon as administratively possible. BAM 210, p 10. If the redetermination is submitted through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210, p 10.

In order to receive uninterrupted benefits, (benefits available on his/her scheduled issuance date) the client must file the redetermination through MI Bridges or file either a DHS-1010, Redetermination, DHS-1171, Assistance Application, or a DHS-2063B, Continuing Food Assistance Benefits, by the 15th of the redetermination month. BAM 210, p 13. Exception: If the client's redetermination materials are mailed late, the timely filing date is 17 days **after** the materials are mailed. BAM 210, p 13.

For MA, verifications are due the same date as the redetermination/review interview. When an interview is not required, verifications are due the date the packet is due. BAM 210, p 14.

Bridges allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the 10th day falls on a weekend or holiday, the verification would not be due until the next business day. Bridges gives timely notice of the negative action if the time limit is **not** met. BAM 210, p 14.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. There is no dispute the Department did not receive the completed redetermination packet. The Administrative Law Judge finds that Ms. Willet's testimony that the Department did not receive Petitioner's completed redetermination to be credible. Ms. Jerry's testimony that she submitted the redetermination packet online may be credible, but she did not provide any objective evidence at the hearing to show that the completed redetermination packet was properly submitted to the Department. Petitioner's AHR did not provide a copy of an email or any other notification from the Department that the redetermination was properly submitted and received by the Department. The record shows that Petitioner was familiar with the importance of sending the Department with timely and completed verifications forms, semi-annual contact reports and redetermination forms as she had previously submitted a semi-annual contact report concerning her Food Assistance Program (FAP) case on November 12, 2015. [Exh. 1, p. 12]. Based on the evidence, this Administrative Law Judge finds that it was more likely than not Petitioner, or her AHR, believed that the documents were submitted properly but that they may have failed to complete all necessary steps when attempting to send the redetermination packet online. Had Petitioner properly sent the redetermination, there would have been some evidence on the Bridges system to verify that the Department had received the form. Here, there was no such evidence in the record.

The material, competent and substantial evidence on the whole record shows that the Department properly closed Petitioner's MA case because she failed to compete and submit the redetermination packet.

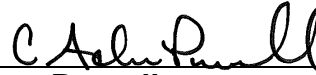
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Petitioner's MA case.

DECISION AND ORDER

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

IT IS SO ORDERED.

CP/las



C. Adam Purnell
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]

Authorized Hearing Rep.

[REDACTED]