



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 22, 2016
MAHS Docket No.: 16-001587
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 31, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Summary.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) case on the basis that she failed to return a 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 an ongoing recipient of MA benefits.
2. In connection with a redetermination, Petitioner's eligibility for MA benefits was reviewed.
3. On December 15, 2015, the Department sent Petitioner a Redetermination which she was instructed to complete and return to the Department by January 4, 2016. (Exhibit A, pp. 4-9)

4. The Department did not receive Petitioner's completed Redetermination by January 4, 2016.
5. On January 16, 2016, the Department sent Petitioner a Health Care Coverage Notice (Notice) informing her that effective February 1, 2016, her MA case and her son's MA case would be closed on the basis that she failed to return the redetermination form. (Exhibit A, pp. 10-13)
6. On January 27, 2016, Petitioner requested a hearing disputing the closure of her MA case.

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 must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (October 2015), p 1. Unless otherwise specified by Department policy, a client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. 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. The Department 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 for MA redeterminations. BAM 210, p.14. For MA cases, 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. The Department will provide the client with timely notice of the negative action if the time limit is not met. BAM 210, p.14.

In this case, the Department testified that because it did not receive a completed redetermination form from Petitioner by the January 4, 2016, due date and because it did not receive any contact from Petitioner concerning the redetermination prior to the

due date, it sent Petitioner a Notice dated January 16, 2016, informing her that effective February 1, 2016, her MA case would be closed due to a failure to return the redetermination. BAM 210, p. 14 ;(Exhibit A; Exhibit B).

At the hearing, Petitioner confirmed that she received the Redetermination, however, Petitioner indicated that she received it around Christmas time in December 2015, as her mail is forwarded to a P.O. Box. Petitioner stated that she informed the Department of the P.O. Box address in April 2015, however, the Department stated that it had no record of any address change for Petitioner. Petitioner testified that after receiving the Redetermination, she completed and mailed the form from the Center Line Post Office on Van Dyke road to the Department on or around December 27, 2015. Petitioner further testified that after receiving the Notice of case closure and having a meeting with the Department on or around January 25, 2016, or January 26, 2016, she completed a new Redetermination and mailed it to the Department for the second time via certified mail, return receipt requested on or around January 29, 2016, as her first Redetermination had not been received by the Department. Petitioner stated that the Redetermination was held at the Post Office for two weeks and not signed for by the Department until February 12, 2016. Petitioner provided for review the Post Office receipt and the signed return receipt showing a mailing date of January 29, 2016, and a received date by the Department of February 12, 2016. (Exhibit 1). The Department confirmed receiving Petitioner's Redetermination on February 12, 2016, but stated it was too late as her MA case was already closed.

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 case on the basis that she failed to return a redetermination.

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 Petitioner and her son's MA case effective February 1, 2016;
2. Process Petitioner's redetermination in accordance with Department policy;

3. Provide Petitioner and her son with MA coverage from February 1, 2016, ongoing, in accordance with Department policy; and
4. Notify Petitioner in writing of its decision.



ZB/tlf

Zainab Baydoun

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

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