



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: August 26, 2016
MAHS Docket No.: 16-007754
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. 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 July 28, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) case?

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. Prior to May 13, 2016, Petitioner requested that the Department close his MA case, as he was unable to meet the [REDACTED] monthly deductible.
3. On May 13, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) advising him that effective June 1, 2016, his MA case would be closed on the basis that he requested his assistance be stopped. (Exhibit B)

4. The May 13, 2016, Notice also indicated that the MA case was closing on the basis that Petitioner was not under 21, pregnant, or a caretaker of a minor child, and that he was not over 65 (aged), blind, or disabled. (Exhibit B)
5. On May 24, 2016, Petitioner requested a hearing disputing the information contained in the May 13, 2016, Notice, specifically, the statement on the Notice that he was not disabled. (Exhibit A)
6. On June 3, 2016, Petitioner completed and signed a DHS-18A Hearing Request Withdrawal, indicating that he no longer wanted a hearing because he understands that the action taken by the Department was correct. (Exhibit A)
7. On June 8, 2016, Petitioner submitted a letter to the Department requesting a new hearing and indicating that he did not want to withdrawal his hearing request. Petitioner disputed the Department's determination that he was not disabled. (Exhibit 1)

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, Petitioner was an ongoing recipient of MA benefits. It was undisputed that prior to May 13, 2016, Petitioner requested that his MA case be closed. Petitioner explained that he did not want to have an active MA case with the Department because he was unable to meet the [REDACTED] monthly deductible imposed, so he requested that the Department close his MA case. On May 13, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice advising that effective June 1, 2016, his MA case would be closed on the basis that he requested his assistance be stopped. (Exhibit B). The Department testified that the Notice included a generic denial reason that Petitioner's case is also closing because he is not under 21, pregnant, or a caretaker of a minor child and that he was not over 65 (aged), blind, or disabled. The Department testified however, that the generic denial reason was not the basis for the closure of Petitioner's MA case. (Exhibit B).

At the hearing, Petitioner testified that he did not dispute the actual termination or closure of his MA benefits. Petitioner testified that he requested a hearing because he disputed the Department's statement on the Notice that he is not disabled. The Department stated that it had no information to indicate that Petitioner was not disabled and presented a SOLQ showing that Petitioner is receiving RSDI based on a disability with a disability onset date of [REDACTED]. (Exhibit E). Thus, the Department agreed with Petitioner that he is disabled.

Petitioner requested that the undersigned Administrative Law Judge (ALJ) issue an order or a letter indicating that the Department's Notice was incorrect and that he is disabled, however, this ALJ does not retain any jurisdiction to take such action. See BAM 600 (October 2015). The additional incorrect denial reason referenced on the Notice has no impact on any of Petitioner's cases and is deemed to be a harmless error, as Petitioner requested that his MA case be closed and the Department properly issued a Notice advising of a case closure in response to Petitioner's request. In addition, because Petitioner's MA case with the Department is currently closed, the Department would be unable to issue any new notice to Petitioner verifying his disabled status.

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**.

ZB/tlf



Zainab A. 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

DHHS

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Via Electronic Mail:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]