



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: December 29, 2016  
MAHS Docket No.: 16-015819  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 [REDACTED], from [REDACTED] Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) did not appear for the hearing.

### **ISSUE**

The issue is whether MDHHS properly terminated Petitioner's Medical Assistance (MA) eligibility.

### **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 MA benefit recipient.
2. On [REDACTED] [REDACTED], MDHHS initiated termination of Petitioner's MA eligibility due to an alleged Petitioner failure to verify information.
3. On [REDACTED], Petitioner requested a hearing to dispute the termination of HMP eligibility.
4. On [REDACTED] [REDACTED], an administrative hearing took place concerning Petitioner's dispute.
5. MDHHS failed to appear for the hearing.

### **CONCLUSIONS OF LAW**

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of MA benefits. Petitioner presented a Health Care Coverage Determination Notice (Exhibit 1, pp. 1-2) indicating Petitioner's MA eligibility was scheduled to end effective [REDACTED]. The stated reason for termination was Petitioner's alleged failure to verify "Earned Income Payment" and "Bank Account Checking."

Petitioner's hearing was scheduled for [REDACTED]. The hearing commenced after [REDACTED]. Petitioner appeared, via telephone. MDHHS did not appear.

Hearings will be held on the scheduled date if the client or AHR arrives within 30 minutes of the scheduled time. BAM 600 (October 2016), p. 34. It is the practice of the Michigan Administrative Hearing System to give clients a 30 minute deadline (with discretionary flexibility). It is also the practice of the Michigan Administrative Hearing System to hold MDHHS to the same standards.

The burden of proof in establishing a proper termination of MA benefits rests with MDHHS. Due to MDHHS' hearing absence, MDHHS failed to justify a basis for requesting information, whether a proper request was made, or whether Petitioner failed to adequately respond to the request. Thus, the termination of Petitioner's MA eligibility will be reversed.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's MA eligibility. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Reinstate Petitioner's MA eligibility, effective [REDACTED] subject to the finding MDHHS failed to establish Petitioner failed to verify information; and
- (2) Issue any benefits improperly not issued.

The actions taken by MDHHS are **REVERSED**.



CG/hw

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**Christian Gardocki**  
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]  
[REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]