



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: January 3, 2017
MAHS Docket No.: 16-014481

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 December 6, 2016, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED], Assisted Payment Worker.

ISSUE

Did the Department properly determine the Petitioner's continued eligibility for Medicaid (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of MA.
2. On August 15, 2016, the Department Caseworker sent the Petitioner a Redetermination Application, DHS 1010, that was due on September 1, 2016. Department Exhibit 1, pgs. 2-3.

3. On September 17, 2016, the Department Caseworker sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that the Petitioner's MA case was closed because he did not return the redetermination form. Department Exhibit 1, pg.1.
4. On September 27, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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, the Petitioner was a recipient of MA. On August 15, 2016, the Department Caseworker sent the Petitioner a Redetermination Application, DHS 1010, that was due on September 1, 2016. Department Exhibit 1, pgs. 2-3. On September 17, 2016, the Department Caseworker sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that the Petitioner's MA case was closed because he did not return the redetermination form. Department Exhibit 1, pg.1. On September 27, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 130, and 210.

During the hearing, the Department conceded that the building was closed during the contested time period. As a result, the Petitioner could not submit his verifications by the due date and they were timely received under the circumstances. The Department will reopen his MA Ad Care and MA QMB. He is eligible for reimbursement of MA QMB retroactive to October 1, 2016 and MA Ad Care eligibility retroactive to October 1, 2016. Department Exhibit 1, pg. 3. MA QMB reimbursement may take 4 to 6 months.

DECISION AND ORDER

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 the Petitioner's MA Ad Care and MA QMB case due to Department error.

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 of initiating a redetermination of the Petitioner's eligibility for MA Ad Care and QMB retroactive to October 1, 2016.



Carmen G. Fahie

Carmen G. Fahie
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

