



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: January 10, 2017  
MAHS Docket No.: 16-018085  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

### **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 Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

### **ISSUE**

Did the Department properly close the Petitioner's Medical Assistance (MA) for failure to complete the 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. The Petitioner's hearing request received on [REDACTED], requested a hearing for the Department's denial of her MA. Petitioner's hearing request did not request a hearing for FAP.
2. The Petitioner was sent a Redetermination for MA and FAP dated [REDACTED] with an interview day of [REDACTED]. Exhibit 1.
3. As part of the redetermination, the Department asked the Petitioner to provide pay stubs for her daughter, [REDACTED]. Petitioner provided several months of pay stubs for her daughter as requested. The Department did not request the pay stubs by Verification Checklist (VCL).

4. The Petitioner returned the Redetermination in a timely manner on [REDACTED] and provided the Department the requested pay stubs on the same date. The information was received before the end of the redetermination month. Exhibit 2.
5. The Department closed the Petitioner's FAP case and had to request a Help Desk Ticket. The Help Desk Ticket prevented the Department from reinstating the Petitioner's MA case. Exhibit 4.
6. A Health Care Coverage Determination Notice HCCDN was issued on [REDACTED] closing the Petitioner's Medical Assistance effective [REDACTED] for failure to return the redetermination, and failure to return the pay stubs requested for Petitioner's daughter. Exhibit 5
7. At the time of the closure of the Petitioner's Medical Assistance case, the Department had a completed redetermination and pay stubs it requested. The Department conceded the case closed in error due to its failure to timely process the case.
8. The Department requested a timely hearing on [REDACTED] protesting the closure of her Medical Assistance. The Petitioner's hearing request received did not request a hearing regarding her FAP benefit closure.

### 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 Department scheduled and sent the Petitioner a Redetermination for her MA with a telephone interview scheduled for [REDACTED]. Exhibit 1. The interview was conducted, and the Redetermination form was completed and received by the Department on [REDACTED], before the telephone interview. Exhibit 2. The redetermination interview was conducted; and thereafter, the Department sent a HCCDN closing the Petitioner's MA case effective [REDACTED], for failure to complete the Redetermination and to provide requested pay stubs. The Department

testified at the hearing that the case closed in error due to a failure to timely process the redetermination prior to the end of the certification period even though the interview was complete, the Redetermination form was completed and requested pay stubs for Petitioner's daughter were provided.

The Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210 (October 1, 2016), p. 1.

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. This allows time to process the redetermination before the end of the redetermination month. BAM 210, p. 18.

In this case the Department did not timely process the MA redetermination prior to the end of the redetermination month and thus a new MA benefit period could not be certified. The Department must meet the specified standard of promptness with respect to processing of redeterminations and Department policy provides:

#### **Medicaid**

Benefits stop at the end of the benefit period **unless** a renewal is completed **and** a new benefit period is certified. Also, the renewal month is 12 months from the date the most recent complete application was submitted. BEM 210, p. 18

In conclusion, based upon the evidence presented, it is determined that the Department improperly closed the Petitioner's MA benefits due to its failure to process the Redetermination in a timely manner.

#### **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 case at redetermination for failure to return and complete the redetermination and provide verification of pay stubs.

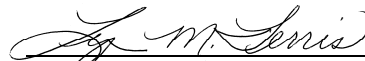
Accordingly, the Department's decision is **REVERSED**.

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. The Department shall reinstate the Petitioner's MA redetermination and re-process the redetermination to determine Petitioner's MA eligibility.
2. The Department shall provide the Petitioner written notice of its determination.

LMF/jaf



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**Lynn M. Ferris**

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]

**Petitioner**

[REDACTED]

**Via email**

[REDACTED]