



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 25, 2017
MAHS Docket No.: 16-018146
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly close the Petitioner's Medical Assistance (MA) and her Child Development and Care (CDC)?

FINDINGS OF FACT

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

1. On [REDACTED], Department sent the Petitioner a Redetermination Form with proofs due [REDACTED]. The Redetermination Form was not returned.
2. On [REDACTED], the Department sent the Petitioner a Notice of Potential Child Development and Care (CDC) closure.
3. On [REDACTED], Department sent the Petitioner a Notice of Case Action informing her that her CDC benefits were scheduled to close [REDACTED].
4. On [REDACTED], Department sent the Petitioner Health Care Coverage Determination Notice (HCCDN) informing the Petitioner that her MA benefits would be closed effective [REDACTED].

5. On [REDACTED] the Petitioner requested a hearing to protest the closure of her MA and CDC benefits.

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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, the Department did not receive a completed Redetermination Form in a timely manner.

Regardless of the Petitioner's failure to provide a completed Redetermination Form, the Department reprinted the Redetermination Form. The Department states that the Petitioner submitted only a hearing request and a second provision of the Redetermination Form has also not been returned.

The Petitioner testified at hearing that she had problems with transportation making it difficult for her to go to the Department's office, and she further testified that she contacted the Department by telephone repeated times in attempts to get replacement forms and an extension for turning them in.

The undersigned ALJ is taking into account that the original Redetermination Form was addressed correctly to the Petitioner and that the Department provided a second opportunity for the Petitioner to provide the requested information.

It is legally assumed that correctly addressed mail is correctly delivered. In the instant case, the Petitioner was provided two Redetermination Forms; and neither was completed. (BAM 210, p. 11).


Department rules demand that a Redetermination Form be completed and returned every year. (Bam 210, July 1, 2016). In the instant case, the Department was attempting to complete that annual review.

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 acted in accordance with Department policy when it sent the Petitioner a Redetermination Form to review her benefits. The Petitioner failed when she failed to provide documentation requested on the Redetermination Form.

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

MJB/jaf



Michael J. Bennane
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]

[REDACTED]