



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: March 1, 2017
MAHS Docket No.: 16-019286
Agency No.: ██████████
Petitioner: ██████████

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 ██████████ from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by ██████████, specialist.

ISSUE

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

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. Petitioner's MA benefit period ended after ██████████.
3. On ██████████, MDHHS mailed Petitioner a Redetermination.
4. On an unspecified date in ██████████ ██████████, Petitioner submitted a Redetermination to MDHHS.
5. MDHHS did not process Petitioner's Redetermination.

6. On [REDACTED], MDHHS mailed Petitioner a Health Care Coverage Determination Notice informing Petitioner that MA eligibility would end, effective [REDACTED] due to Petitioner's failure to return redetermination documents.
7. On [REDACTED], Petitioner requested a hearing to dispute the termination of MA benefits.

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 eligibility, effective [REDACTED]. MDHHS presented a Health Care Coverage Determination Notice (Exhibit 1, p. 1) dated [REDACTED]. The notice stated Petitioner's MA eligibility would end due to Petitioner's failure to return a redetermination form.

The Michigan Department of Health and Human Services must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2015), p. 1. The redetermination process includes thorough review of all eligibility factors. *Id.* A complete redetermination is required at least every 12 months. *Id.* Bridges sets the redetermination date according to benefit periods... *Id.*

For all programs, 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. *Id.*, p. 6. Redetermination forms... include a Redetermination DHHS-1010. *Id.* [For the MA program,] benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. *Id.*, p. 2.

MDHHS presented a Redetermination (Exhibit 1, p. 2) dated [REDACTED]. MDHHS alleged Petitioner failed to return the form to MDHHS by the end of Petitioner's benefit period. It was not disputed that Petitioner's benefit period ended in [REDACTED].

Petitioner testified that she timely returned the Redetermination to MDHHS within 2 days after receiving it. Petitioner testified she always quickly returns documents to MDHHS. MDHHS testified that Petitioner's electronic case file failed to show that Petitioner submitted a Redetermination, or other acceptable form. Both parties had shortcomings with their evidence presentation.

Petitioner testified that she made copies of her completed Redetermination. Presenting a copy of a completed Redetermination would not guarantee a timely submission by Petitioner, but presenting a copy of a completed Redetermination is indicative of a timely Redetermination submission. Petitioner testified she was unable to present the Redetermination copies as evidence and that she is uncertain what happened to the copies that she made.

During the hearing, Petitioner was asked why she requested a hearing nearly 3 months after MDHHS sent her a closure notice. Petitioner testified she requested a hearing earlier, however, she withdrew her request after MDHHS promised to continue her MA eligibility. Petitioner's testimony was neither verified nor rebutted.

Generally, a client's statement at hearing is more credible when the statement is made within the hearing request. Petitioner's hearing request noted that Petitioner is aged and disabled. The hearing request did not claim that Petitioner timely submitted her Redetermination. This consideration was also not supportive of Petitioner's claim of a timely Redetermination submission.

MDHHS testimony conceded that Petitioner's previously-assigned MDHHS office changed addresses around the time Petitioner allegedly submitted her redetermination form. MDHHS testimony further conceded that the move in offices resulted in the loss of some document submissions from clients. This consideration increases the possibility that MDHHS may have lost Petitioner's allegedly submitted Redetermination.

Presented evidence was indicative that one of two scenarios occurred. Either MDHHS lost Petitioner's timely submitted Redetermination or Petitioner failed to submit a Redetermination to MDHHS. Either scenario is plausible. Given presented evidence, Petitioner's scenario was first-hand and slightly more credible.

It is found Petitioner timely submitted Redetermination documents to MDHHS. Accordingly, the termination based on Petitioner's alleged failure to submit a Redetermination was improper.

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 that Petitioner submitted a Redetermination to MDHHS in [REDACTED];
- (2) Initiate a supplement for any benefits improperly not issued.

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

CG/hw



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]