

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: March 20, 2017
MAHS Docket No.: 17-000082
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) 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. The Petitioner requested a hearing regarding several issues involving her granddaughter, [REDACTED] a minor child, which included closure of Family Independence Program (FIP)/State Disability Assistance (SDA) cash assistance, and MA. The Petitioner is her granddaughter's Guardian. At the hearing, the Petitioner withdrew her hearing request regarding these issues on behalf of her granddaughter on the record as they were resolved or she now understood the reason for the Department's actions.
2. The Petitioner also requested a hearing regarding State Emergency Relief, (SER) regarding her Consumer's bill. At the hearing, it was determined that the Petitioner

never applied for SER assistance; and thus, there is no issue which can be determined or decided regarding any action of the Department in that regard.

3. The Petitioner was an ongoing recipient of MA.
4. On [REDACTED], the Department issued a Health Care Determination Notice closing the Petitioner's MA due to not meeting the MA deductible in the past three months, effective [REDACTED]. Exhibit A.
5. The Petitioner did not dispute that she did not submit medical bills for the period in question as she was ill.
6. The Petitioner requested a timely hearing on [REDACTED], protesting the Department's actions.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3101-.3131.

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 State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, the Petitioner sought a hearing regarding the closure of her MA Benefits due to her failure to submit medical bills for three months with regards to meeting her MA deductible. At the hearing, the Petitioner conceded that she did not submit medical bills for three months due to the fact that she was ill. Department policy provides and requires:

Renew eligibility for active deductible cases at least every 12 months unless the group has not met its deductible within the past three months.

If a group has not met its deductible in at least one of the three calendar months before that month **and** none of the members are QMB, SLMB or ALMB eligible, Bridges will automatically notify the group of closure. BEM 545 (January 1, 2017) p. 12.

In this case, based upon policy found in BEM 545, it is determined that the Department correctly closed the Petitioner's MA due to failure to submit medical expenses for the past three months. The Petitioner may reapply for MA at any time and submit any eligible medical bills.

Withdrawal

In addition, the Petitioner's hearing request regarding her granddaughter's MA and FIP cash assistance were withdrawn on the record as Petitioner now understood that her granddaughter's MA was ongoing; and the FIP cash assistance was correctly no longer available as her granddaughter is receiving money from Social Security which exceeds the FIP benefits. Therefore, the Petitioner's hearing requests are hereby withdrawn.

Dismissal of State Emergency Relief (SER) hearing request

The Petitioner also requested an SER hearing regarding her Consumer's energy bill but never applied for SER assistance for that bill; thus, there is no basis for a hearing as no application is pending or ever filed. Accordingly, the request for hearing regarding SER is also dismissed.

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 closed the Petitioner's MA for failure to submit any medical bills for the past three months.

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

The Petitioner withdrew her hearing requests at the hearing on the record regarding FIP cash assistance, and MA as regards her granddaughter's benefits as Petitioner, as

Guardian, no longer required a hearing regarding these issues. Therefore, accordingly the Petitioner's [REDACTED], hearing request is hereby **DISMISSED**.

It is so **Ordered**.

The Petitioner's request for hearing regarding SER is hereby **DISMISSED** due to there being no issue for the undersigned to resolve as Petitioner never applied for SER assistance.

It is so **Ordered**.

LMF/jaf


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



Petitioner

