



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: April 20, 2017
MAHS Docket No.: 17-002147
Agency No.: [REDACTED]
Petitioner: [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 March 15, 2017, from Detroit, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator. This hearing was held by ALJ Michael J. Bennane, but written by ALJ Carmen G. Fahie.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close the Petitioner's Healthy Michigan Program (HMP) case?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. The Petitioner was a recipient of HMP benefits with a redetermination due in December 2016.
2. On November 4, 2016, the Department sent the Petitioner a Redetermination Application, DHS 1010, that was due with required verifications by December 5, 2016.
3. On December 2, 2016, the Department received the Petitioner's completed Redetermination Application, DHS 1010, where he claimed that he had self-employment income. Department Exhibit 1, pgs. 1-4.

4. On December 2, 2016, the Department sent the Petitioner a Self-Employment Income and Expense Statement, DHS 431, for the Petitioner to complete for the months of September 2016, October 2016, and December 2016. Department Exhibit 1, pgs. 8-13.
5. On January 30, 2017, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that the Petitioner was not eligible for full coverage because of unverified income. Department Exhibit 1, pgs. 5-7.
6. On February 8, 2017, the Petitioner filed a hearing request, contesting the Department's negative action.
7. On February 21, 2017, the Department sent the Petitioner a Verification Checklist, DHS 3503, to provide written verification by March 3, 2017 of his earned and unearned income of the last 30 days. Department Exhibit 1, pgs. 15. His case is pending waiting for the required self-employment verifications that was due to the Department no later than March 3, 2017, to determine continued eligibility.

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 benefits with a redetermination due in December 2016. On November 4, 2016, the Department sent the Petitioner a Redetermination Application, DHS 1010, that was due with required verifications by December 5, 2016. On December 2, 2016, the Department received the Petitioner's completed Redetermination Application, DHS 1010, where he claimed that he had self-employment income. Department Exhibit 1, pgs. 1-4.

On December 2, 2016, the Department sent the Petitioner a Self-Employment Income and Expense Statement, DHS 431, for the Petitioner to complete for the months of September 2016, October 2016, and December 2016. Department Exhibit 1, pgs. 8-13. On January 30, 2017, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that the Petitioner was not eligible for full coverage

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During the hearing, the Department stated that the Petitioner failed to submit a completed Self-Employment Income and Expense Statement, DHS 431, for the months of September 2016, October 2016, and December 2016. The Petitioner stated that he had submitted the required verification twice through certified mail. However, the Petitioner did not bring the written copies of the certified receipt of mailings to the hearing. In addition, the Petitioner showed a completed Self-Employment Income and Expense Statement, DHS 431, but the completed form was from the hearing packet sent to the Petitioner on February 21, 2017 because it had exhibit numbers on the bottom exactly like the hearing packet. As a result, the Department has met its burden that the Petitioner failed to submit a completed Self-Employment Income and Expense Statement, DHS 431, for the months of September 2016, October 2016, and December 2016 in order for the Department to determine the Petitioner's continued eligibility for HMP.

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 HMP case because he failed to submit the required verification to determine continued eligibility.

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



CF/nr

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

DHHS

[REDACTED]

Petitioner

[REDACTED]