



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: May 4, 2017  
MAHS Docket No.: 17-003916  
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 April 26, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Assistance Payments Worker and [REDACTED] Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly allow the Petitioner's Medical Assistance (MA) case to close because she failed to submit the required redetermination application, DHS 1010 by the due date?

### **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 was a recipient of MA with a redetermination due.
2. On October 10, 2016, the Department sent the Petitioner a Redetermination Application, DHS 1010, with a due date of November 9, 2016. Department Exhibit 1, pg. 5.
3. On February 7, 2017, the Department sent the Petitioner a case closure notice that because she failed to return the redetermination form so that the Department could not determine her continued eligibility for MA and her case would close effective March 1, 2011. Department Exhibit 1, pg. 3.

4. On March 7, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

### **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, Petitioner was a recipient of MA with a redetermination due. On October 10, 2016, the Department sent the Petitioner a Redetermination Application, DHS 1010, with a due date of November 9, 2016. Department Exhibit 1, pg. 5. On February 7, 2017, the Department sent the Petitioner a case closure notice that because she failed to return the redetermination form so that the Department could not determine her continued eligibility for MA and her case would close effective March 1, 2011. Department Exhibit 1, pg. 3. On March 7, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 130.

During the hearing, the Petitioner stated that she did not receive the DHS 1010, but a confirmation of her address was the same as [REDACTED]. She received the notice of case closure and the notice of her hearing. The Petitioner could have called her Department Caseworker as a result of the notice of case closure and submit the DHS 1010 up to February 29, 2016 to keep her MA case open. The Department testified credibly that the DHS 1010 was not returned to the Department as undeliverable.

**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 case because she failed to submit his DHS 1010 by the due date.

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

*Carmen G. Fahie*

CF/nr

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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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]