



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: October 10, 2017

MAHS Docket No.: 17-011711

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 October 5, 2017, from [REDACTED], Michigan. The Petitioner was represented by herself. The Department was represented by [REDACTED], Family Independence Manager (FIM).

ISSUE

Did the Department properly close the Petitioner's Medicaid (MA) and MA Cost Share Program (MACSP) because she failed to submit a redetermination application and the required verifications?

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 and MACSP with a redetermination due on [REDACTED].
2. The Petitioner's Food Assistance Program (FAP) benefits are unchanged and were not due for a redetermination review.
3. On [REDACTED], the Department Caseworker sent Petitioner a Redetermination Application, DHS 1010, that was due on [REDACTED]. Department Exhibit 1, pgs. 7-14.

4. On [REDACTED], the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice that effective [REDACTED] that Petitioner was not eligible for MA and MACSP because she failed to return the redetermination form that was mailed to her and to provide the required proofs. Therefore, they could not determine her continued eligibility for assistance. Department Exhibit 1, pgs. 17-20.
5. On August 31, 2017, the Department received a hearing request from 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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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 and MACSP with a redetermination due on [REDACTED]. Petitioner's Food Assistance Program (FAP) benefits are unchanged and were not due for a redetermination review. On [REDACTED], the Department Caseworker sent Petitioner a Redetermination Application, DHS 1010, that was due on [REDACTED]. Department Exhibit 1, pgs. 7-14. On [REDACTED], the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice that effective [REDACTED], Petitioner was not eligible for MA and MACSP because she failed to return the redetermination form mailed to her and to provide the required proofs. Therefore, they could not determine her continued eligibility for assistance. Department Exhibit 1, pgs. 17-20. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action. BAM 105, 130, and 210.

During the hearing, the FIM stated that the address used is the one that the Department received on the Facility Admission Notice on [REDACTED], that listed the Petitioner's address as [REDACTED]. However, this Administrative Law Judge finds that the notice did list an apartment number of [REDACTED], but it was still incorrect because the correct apartment number is [REDACTED]. Department Exhibit 1, pg. 20. The address that the Department used was missing an apartment number all together. The application was completed by the facility where Petitioner was receiving treatment, not by Petitioner. According to the FIM, the Department did not receive any return mail during the contested time period. The Petitioner testified that she did receive the Health Care Coverage Determination Notice dated [REDACTED], and the Quick Note, DHS 100, sent to her on [REDACTED]. Department Exhibit 1, pg. 15. She stated that she did not receive the Redetermination Application, DHS 1010, and the Department also did not receive it in returned mail. Petitioner never completed a Redetermination Application. The Department did not have the full address with the correct apartment number until Petitioner reapplied for benefits on [REDACTED].

The Petitioner testified that she called the Department Caseworker, but did not get a call back. The FIM checked the telephone system. The number that Petitioner was calling was not her current worker on [REDACTED], and [REDACTED]. Petitioner did call her current worker on [REDACTED] and left a message. The Department Caseworker called Petitioner back on August 31, 2017, within the 2-day requirement by policy. At that late date, Petitioner was advised to reapply. She reapplied on [REDACTED]. The Department was able to reinstate Petitioner's MA retroactive to [REDACTED] with no loss of benefits, but her MACSP could not be reinstated. With an application date of [REDACTED], Petitioner lost one month of the State of Michigan paying her MA Part B where payment came out of her Social Security benefits. Petitioner's MACSP should pay her MA Part B in October 2017.

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 Petitioner's MA and MACSP effective August 1, 2017 because she did not submit her redetermination application and required verifications. Her MA case was reopened retroactive to [REDACTED] based on her [REDACTED] application. However, her MACSP case missed a month based on Petitioner's [REDACTED], application based on policy, but should start back up in [REDACTED]. Petitioner's FAP case was not due for redetermination at this time and was not changed.

DECISION AND ORDER

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

CF/hb



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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]