



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: October 25, 2017
MAHS Docket No.: 17-011727
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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; 42 CFR 438.400 to 438.424; 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 23, 2017, from Detroit, Michigan. Petitioner was present and represented himself. Petitioner was also present with his father, [REDACTED]. The Department of Health and Human Services (Department) was represented by Rebecca Johnson, Assistance Payments Worker.

ISSUE

Did the Department properly allow Petitioner's Medical Assistance (MA) case to close?

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 recipient.
2. On July 5, 2017, the Department sent Petitioner a redetermination that was to be completed by August 4, 2017.
3. Petitioner did not return the redetermination.
4. On August 18, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice informing him that his MA benefit case would be closed effective September 1, 2017, ongoing, for his failure to return the redetermination.

5. On August 30, 2017, Petitioner submitted a request for hearing disputing 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 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 Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (April 2017), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. A complete renewal is required at least every 12 months. BAM 210, p. 1. For MA cases, Benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. BAM 210, p. 3.

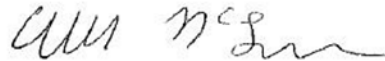
On July 5, 2017, the Department sent Petitioner a redetermination/renewal form that was to be completed by August 4, 2017. Petitioner did not return the form prior to August 4, 2017. As a result, the Department sent Petitioner a Health Care Coverage Determination Notice on August 18, 2017, informing him he would not be eligible for MA benefits effective September 1, 2017, ongoing for his failure to complete the redetermination/renewal.

Petitioner testified he did not receive the redetermination/renewal form. However, Petitioner stated he did receive the Health Care Coverage Determination Notice. Neither Petitioner, nor Petitioner's father attempted to contact the Department after receiving the notice. Although Petitioner may not have received the redetermination/renewal form, he was on notice that it needed to be completed prior to the negative action period. Petitioner did not contact the Department and did not attempt to complete the redetermination/renewal prior to the negative action period. Therefore, the Department properly follow policy when it determined Petitioner was not eligible for MA benefits effective September 1, 2017, ongoing.

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 determined Petitioner was not eligible for MA benefits effective September 1, 2017, ongoing.

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



EM/

Ellen McLemore
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

MDHHS-Wayne-17-Hearings

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

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