



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: February 9, 2018
MAHS Docket No.: 17-016247
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 hearing was held on February 8, 2017, from Lansing, Michigan. Petitioner was represented by [REDACTED] Guardian. The Department of Health and Human Services (Department or Respondent) was represented by Ms. Good, Assistance Payments Worker.

ISSUE

Did the Department properly close Petitioner's Health Care Coverage due to her failure to complete the redetermination process?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times, Petitioner has been a beneficiary of Medicaid G2S and Medicare supplement programs.
2. On August 4, 2017, Respondent issued notice to Petitioner to complete the redetermination process.
3. Petitioner failed to return the requested forms.
4. On October 1, 2017, Respondent closed Petitioner's medical programs for failure to complete the redetermination process.

5. Petitioner has dementia. On December 18, 2017, Petitioner's son filed paperwork with the Respondent to be classified as authorized representative on Petitioner's case, and changed the mailing address to his address, as legal guardian.

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, federal and state law, as well as Department policy requires the Respondent to conduct periodic redeterminations to establish ongoing eligibility for recipients of the State of Michigan welfare programs. See BAM 105, 130, 210; BEM 110, 165, 210, and 211.

Here, Respondent presented evidence that it had followed its policy in notifying Petitioner of the necessary paperwork she needed to return to complete the redetermination process. Petitioner failed to do so. Apparently, Petitioner's cognitive abilities are impaired. Petitioner's son has assumed guardianship on behalf of Petitioner but failed to notify the Respondent of his address as a mailing address on behalf of Petitioner. Recipients of public assistance are required to keep their files up to date, including contact information. As that was not done in this case, Petitioner has not met the burden to show that Respondent's actions were not correct, and thus, the Department's closure is upheld.


It is noted that Petitioner's representative has reapplied on her behalf. This decision in no way impacts the status of that reapplication.

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 medical cases due to the failure of Petitioner to complete the redetermination process.

DECISION AND ORDER

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

JS/hb



Janice Spodarek
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

Linda Gooden
25620 W. 8 Mile Rd
Southfield, MI 48033

Oakland County (District 3), DHHS

BSC4 via electronic mail

M. Best via electronic mail

EQADHShearings via electronic mail

Authorized Hearing Rep.

[REDACTED]
MI [REDACTED]

Petitioner

[REDACTED]
MI [REDACTED]