



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 17, 2018
MAHS Docket No.: 17-008971
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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 September 5, 2017, from Detroit, Michigan. The Petitioner represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker/Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Medicaid (MA) benefits case?

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 recipient of MA benefits.
2. On May 4, 2017, the Department mailed Petitioner a Redetermination with a due date of June 5, 2017. [Exhibit A, pp. 2-9.] Petitioner never returned the completed redetermination.
3. On June 17, 2017, the Department mailed Petitioner a Health Care Coverage Determination Notice (HCCDN) notifying him that his MA benefits could close effective July 1, 2017, because he had failed to return the redetermination that was mailed to him. [Exhibit A, pp. 11-14.]
4. On June 27, 2017, the Department received Petitioner's request for a hearing disputing the Department's actions.

5. On June 28, 2017, the Department mailed Petitioner a quick note. A pre-hearing conference was scheduled for July 7, 2017, Petitioner did not attend.

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 requested a hearing to dispute the closing of his MA benefits under the Freedom to Work program. Petitioner had approved coverage through June 30, 2017. In May 2017, the Department mailed Petitioner a redetermination with a due date of June 5, 2017. Petitioner did not return the completed redetermination nor any proofs from which the Department could determine his continued eligibility for MA benefits. At the hearing, Petitioner indicated he did not receive the mailed redetermination. Petitioner acknowledged receipt of the HCCDN and the notice of hearing at his home of record. All items were mailed to the same address.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (January 2017) p. 1. A renewal is the full review of eligibility factors completed annually.

Although Petitioner indicated that he had not received the redetermination in the mail, he was made aware of the redetermination and the necessity to complete same when he received the HCCDN on or about June 17, 2017. Benefits stop at the end of the benefit period **unless** a renewal is completed **and** a new benefit period is certified. BAM 210, p. 4. Prior to the end of the renewal period, instead of providing the required redetermination, Petitioner submitted a request for hearing. Because the Department did not receive the required information, it was unable to make a determination regarding Petitioner's continued eligibility. As such, the Department acted in accordance with policy when it closed Petitioner's MA benefits.

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 Petitioner's MA benefits.

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



DM/jaf

Denise McNulty
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]

[REDACTED]

[REDACTED]

[REDACTED]

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