



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: April 18, 2018  
MAHS Docket No.: 18-001297  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 April 12, 2018, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly close the Petitioner's Medical Assistance MA?

**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 an ongoing recipient of Medical Assistance, Healthy Michigan Plan (HMP).
2. The Department sent the Petitioner a Redetermination for Medicaid on November 4, 2017 with a due date of December 4, 2017. Exhibit B.
3. The Department issued a Health Care Coverage Determination Notice on December 15, 2017 closing the Petitioner's Medical Assistance for failure to return the redetermination sent to her. Exhibit A.
4. The Department had no record in the electronic data system of receiving the Petitioner's redetermination for Medicaid and did not receive the redetermination. Exhibit C.

5. The Petitioner requested a timely hearing on January 30, 2017 protesting 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.

In this case, the Department closed the Petitioner's medical assistance for the Healthy Michigan Plan when it did not receive the Petitioner's redetermination. The Petitioner for her part testified that she believed she mailed the redetermination but was not sure from where she mailed it or the date. The Department had no record of ever receiving the redetermination, and provided the Petitioner's electronic correspondence file which indicated no redetermination was ever received. In addition, in her hearing request the Petitioner made no mention of previously returning the redetermination.

In this case, the Department closed the Petitioner's ongoing medical assistance due to failure to provide eligibility information required by the Department as part of the annual redetermination. The redetermination was mailed to the proper address and was received by Petitioner. As of the hearing the Petitioner and not returned the redetermination.

Benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. If the client does not begin the redetermination process, allow the benefit period to expire. BAM 210 (January 2018) p. 6.

If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the EDG. A DHS-1605 is not generated. If the client fails to return a complete DHS-2240A by the last day of the 12th month. Bridges will automatically close the case. If the client reapplies, treat

it as a new application and Bridges will prorate the benefits. BAM 210 p. 13

Verifications are due the same date as the redetermination/review interview. When an interview is not required, verifications are due the date the packet is due.

Bridges allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the tenth day falls on a weekend or holiday, the verification would not be due until the next business day. BAM 210, p. 17.

The Department is also required to obtain verifications of eligibility factors at redetermination. BAM 130 (April 2017), p. 1. The Department is required to send a case action notice when:

The client indicates refusal to provide a verification, or  
The time period given has elapsed. BAM 130, p. 9.

The Petitioner testified that that she did receive the redetermination and thought she mailed it, however she took no further action even after she received the Health Care Coverage Determination Notice advising her that her MA case would close, January 1, 2018. Ultimately, the Petitioner did not file the redetermination by the end of the certification period and did not complete the redetermination so the Department could review the Petitioner's ongoing eligibility for Medical Assistance. Based upon the evidence presented, Petitioner's Medical Assistance case was properly closed.

As discussed at the hearing the Petitioner may reapply for Medical Assistance at any time.

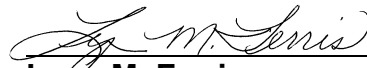
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed the Petitioner's Medical Assistance case due to failure to complete the redetermination prior to the end of the benefit period.

**DECISION AND ORDER**

Accordingly, the Department's decision is

**AFFIRMED.**

LF/tm



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**Lynn M. Ferris**

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

[REDACTED]

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