



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: June 6, 2018
MAHS Docket No.: 18-003833
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 June 4, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Christine Brown, specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's eligibility for Medical Assistance (MA) for Petitioner's child (hereinafter "Child").

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Child was an ongoing recipient of MA benefits.
2. On January 4, 2018, MDHHS mailed Petitioner a Redetermination concerning Child's ongoing MA eligibility. The stated due date was February 5, 2018. (Exhibit A, pp. 5-12)
3. On February 16, 2018, MDHHS initiated termination of Child's MA eligibility, effective March 2018, due to Petitioner's failure to return the Redetermination. (Exhibit A, pp. 13-15)
4. As of the end of February 2018, Petitioner had not returned the Redetermination to MDHHS.

5. On April 9, 2018, Petitioner requested a hearing to dispute the termination of Child's MA benefits.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

HMP is a health care program administered by the Michigan Department of Community Health, Medical Services Administration. The program is authorized under the Affordable Care Act of 2010 as codified under 1902(a)(10)(A)(i)(VIII) of the Social Security Act and in compliance with the Michigan Public Act 107 of 2013. HMP policies are found in the Medicaid Provider Manual and Modified Adjusted Gross Income Related Eligibility Manual (MAGIM).

Petitioner requested a hearing to dispute a termination of Child's MA eligibility effective March 2018. MDHHS presented a Health Care Coverage Determination Notice (Exhibit A, pp. 13-15) dated February 16, 2018. The notice informed Petitioner that Child's MA eligibility would be terminated beginning March 2018 due to Petitioner's failure to return a Redetermination.

"The Michigan Department of Health and Human Services must periodically redetermine or renew an individual's eligibility for active programs." BAM 210 (January 2017), p. 1. "The redetermination/renewal process includes thorough review of all eligibility factors." *Id.* A renewal is the full review of eligibility factors completed annually. *Id.* "A complete redetermination/renewal is required at least every 12 months". *Id.*, p. 3. "Bridges sets the redetermination date according to benefit periods..." *Id.*

For all programs, Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. *Id.*, p. 8. Redetermination/renewal forms may include a Redetermination DHHS-1010. *Id.* MA benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. *Id.*, p. 4.

MDHHS presented a copy of the Redetermination mailed to Petitioner on January 4, 2018, concerning Child's MA eligibility. The mailing date supported that Child's MA benefit period was scheduled to end after February 2018.

MDHHS testified that the Redetermination was "central" printed (i.e. printed and prepared for mail by computer). Generally, documents that are centrally printed can be

assumed to have been properly mailed. MDHHS established meeting all procedural requirements in informing Petitioner of renewing Child's MA eligibility.

Petitioner's hearing request stated that he never received the Redetermination. When asked about receipt of the Redetermination during the hearing, Petitioner's admitted he might have received the Redetermination but overlooked returning it to MDHHS. Based on the evidence, it is found that MDHHS properly mailed a Redetermination to Petitioner and that Petitioner failed to return the Redetermination to MDHHS by the end of February 2018. Based on Petitioner's failure to return a Redetermination before the end of Child's benefit period, it is found that MDHHS properly terminated Child's MA eligibility. As discussed during the hearing, Petitioner's recourse, if MA benefits are still needed for Child, is to reapply.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Child's MA eligibility effective March 2018. The actions taken by MDHHS are **AFFIRMED**.

CG/



Christian Gardocki

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) 763-0155; 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

Randa Chenault
MDHHS-Oakland-3-Hearings

Petitioner

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