



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 7, 2018
MAHS Docket No.: 18-003840
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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 5, 2018, from Lansing, Michigan. Petitioner represented himself for the hearing. The Department of Health and Human Services (Department) was represented by Laura Bensinger, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) - Healthy Michigan Plan (HMP) coverage effective May 1, 2018?

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 HMP coverage. [Exhibit A, p. 24.]
2. On January 24, 2018, the Department sent Petitioner a Wage Match Client Notice (wage match) concerning his employment from "Boys Club Lansing Inc" (employer 1). The wage match requested verification of this employment and it was due back by February 23, 2018. [Exhibit A, pp. 16-17.]
3. Petitioner failed to submit the verification for employer 1 by the due date. [Exhibit A, p. 23.]
4. On March 12, 2018, the Department sent Petitioner a New Hire Client Notice (new hire) concerning his employment from [REDACTED] (employer 2). The new

hire requested verification of this employment and it was due back by March 22, 2018. [Exhibit A, pp. 18-19.]

5. Petitioner failed to submit the verification for employer 2 by the due date. [Exhibit A, p. 23.]
6. On March 29, 2018, Petitioner submitted the new hire verification, but did not include his pay stubs with the document. [Exhibit A, p. 23; Testimony by the Department.]
7. On March 30, 2018, the Department sent Petitioner a Health Care Coverage Determination Notice (determination notice) notifying him that his HMP benefits would close effective May 1, 2018, due to his failure to comply with the verification requirements. [Exhibit A, pp. 20-22.]
8. On April 9, 2018, Petitioner filed a hearing request, protesting the Department's action. [Exhibit A, pp. 4-6.]

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (January 2018), p. 9. This includes completion of necessary forms. BAM 105, p. 9.

In regard to wage match policy, the Department requests verification of the wage match earnings by generating a DHS-4638, Wage Match Client Notice, from Bridges. BAM 802 (April 2017), p. 2. The DHS-4638 automatically gives the client 30 days to provide verification. BAM 802, p. 2. If verifications are not returned by the 30th day, case action will need to be initiated to close the case in Bridges. BAM 802, p. 2.

In regard to new hire policy, the Department requests verification by generating a DHS-4635 New Hire Notice, from Bridges. BAM 807 (January 2018), p. 1. When a DHS-4635 is requested, Bridges automatically gives the client 10 calendar days to provide

verification from the date the forms were requested. BAM 807, p. 2. If verifications are not returned by the tenth day, case action will need to be initiated to close the case in Bridges. BAM 807, p. 2.

Here, Petitioner was an ongoing recipient of HMP coverage. [Exhibit A, p. 24.] On January 24, 2018, the Department sent Petitioner a wage match concerning his employment from employer 1. [Exhibit A, pp. 16-17.] The wage match requested verification of this employment and it was due back by February 23, 2018. [Exhibit A, pp. 16-17.] However, Petitioner failed to submit the verification for employer 1 by the due date. [Exhibit A, p. 23.]

Additionally, on March 12, 2018, the Department sent Petitioner a new hire concerning his employment from employer 2. [Exhibit A, pp. 18-19.] The new hire requested verification of this employment and it was due back by March 22, 2018. [Exhibit A, pp. 18-19.] However, Petitioner failed to submit the verification for employer 2 by the due date. [Exhibit A, p. 23.] On March 29, 2018, Petitioner submitted the new hire verification, but did not include his pay stubs with the document. [Exhibit A, p. 23; Testimony by the Department.]

Based on Petitioner's failure to comply with the verification requirements for the wage match and new hire documents, the Department closed Petitioner's HMP benefits effective May 1, 2018. [Exhibit A, pp. 20-22.]

In response, Petitioner did not dispute the Department's argument. Instead, he disputed the calculation of his annual income on the determination notice. [Exhibit A, pp. 5 and 20.] However, the calculation of Petitioner's annual income is irrelevant in this particular case because Petitioner's denial was based on a failure to comply with the verification requirements, not an income eligibility determination. Petitioner further testified that his employment ended with employer 1 and 2; however, he failed to notify the Department that his employments had ended. See BAM 105 (January 2018), p. 12 (Changes must be reported within 10 days of receiving the first payment reflecting the change, which includes the starting or stopping of employment). It should be noted that Petitioner indicated that he is suffering from mental health issues. [Exhibit A, p. 5.]


Based on the foregoing information and evidence, the Department properly closed Petitioner's HMP benefits effective May 1, 2018, in accordance with Department policy. Here, the evidence established that Petitioner failed to submit the wage match and new hire documents by the due date. [Exhibit A, p. 23.] In fact, Petitioner did not dispute the Department's arguments. Ultimately, it is Petitioner's responsibility to complete the necessary forms to determine his ongoing eligibility for his HMP benefits. See BAM 105, p. 9. And because Petitioner failed to comply with the verification requirements, the Department acted in accordance with Department policy when it closed Petitioner's HMP benefits effective May 1, 2018. BAM 105, p. 9; BAM 802, p. 2; BAM 807, pp. 1-2. Petitioner can reapply for HMP 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 – HMP benefits effective May 1, 2018.

Accordingly, the Department's MA - HMP decision is **AFFIRMED**.

EF/nr



Eric J. Feldman
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

Laura Bensinger
1050 Independence Blvd
Charlotte, MI
48813

Eaton County DHHS- via electronic mail

BSC2- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

