



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

████████████████████
██
████████ MI ██████████

Date Mailed: July 30, 2018
MAHS Docket No.: 18-005453
Agency No.: ██████████
Petitioner: ██████████

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 July 26, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. ██████████, Petitioner’s spouse (hereinafter, “Spouse”), testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Kathy Mason, specialist, and Mary Williams-Berry, lead worker.

ISSUE

The issue is whether MDHHS properly terminated Petitioner’s and Spouse’s Medical Assistance (MA) eligibility.

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 and Spouse were ongoing MA recipients. Petitioner’s and Spouse’s certification periods expired after March 2018.
2. On an unspecified date in February 2018, MDHHS mailed Petitioner a Redetermination.
3. Before the end of March 2018, Petitioner had not returned the Redetermination to MDHHS.

4. On May 29, 2018, Petitioner requested a hearing to dispute a termination of MA benefits for herself and Spouse beginning April 2018. Petitioner also requested a hearing to dispute FAP eligibility from March 2018.
5. During the hearing, Spouse verbally withdrew the dispute concerning FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's hearing request cited a need for French or Wolof language accommodations. During the hearing, Spouse stated that language accommodations would not be needed. Based on Spouse's statement, the hearing proceeded without use of a translator.

Petitioner requested a hearing, in part, to dispute FAP eligibility. During the hearing, Spouse initially stated that FAP eligibility from March 2018 was disputed, but he later stated that a hearing was not needed concerning this issue. Based on the verbal withdrawal, Petitioner's hearing request concerning FAP eligibility will be dismissed.

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).

Healthy Michigan Plan (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 also requested a hearing to dispute a termination of MA benefits. MDHHS presented a MA - Individual Notice Reasons (Exhibit A, p. 2) from their database which

stated that Spouse's MA eligibility ended due to a failure to return a recertification packet; it is presumed that Petitioner's MA eligibility ended for the same reason.

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210 (January 2018) p. 1.

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. A redetermination/review packet is considered complete when all of the sections of the redetermination form, including the signature section, are completed. *Id.*, p. 11. Benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. *Id.*, p. 4.

Spouse's testimony acknowledged that he and Petitioner received a Redetermination from MDHHS. Spouse initially testified that he completed and returned the document to MDHHS in late March 2018. Spouse later testified that he may have returned the Redetermination to MDHHS in April 2018. Spouse presented no corroborating evidence for his testimony. If Spouse returned the Redetermination to MDHHS in April 2018, the submission would have been too late to justify processing because it would have been submitted after Petitioner's and Spouse's benefit period expired.

MDHHS contended a Redetermination was not received. MDHHS presented Respondent's copy of electronic case file (Exhibit A, p. 5) which lists all of a client's submissions; the document showed no Redetermination was received in 2018 until July 2018.

MDHHS testimony indicated that if Spouse dropped-off the Redetermination, he would have had to sign a drop-off log. During the hearing, a testifying specialist credibly testified that she checked the drop-off log and saw no signature verifying Spouse's submission.

Based on the evidence, it is found that Petitioner and/or Spouse failed to submit a Redetermination concerning continued MA eligibility before the end of their MA certification period. Thus, Petitioner's and Spouse's MA eligibility properly expired after March 2018. As discussed during the hearing, Petitioner's and Spouse's recourse is to reapply for MA benefits.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner and Spouse withdrew their dispute concerning FAP eligibility. Petitioner's hearing request is **PARTIALLY DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly allowed Petitioner's and Spouse's MA eligibility to expire after March 2018 due to Petitioner's failure to timely submit to MDHHS a Redetermination. 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

Lauren Casper
MDHHS-Macomb-20-Hearings

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

BSC4
M Holden
D Sweeney
D Smith
EQAD
C Gardocki
MAHS