



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: March 11, 2019
MAHS Docket No.: 18-013862/19-000325
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's requests for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 6, 2019, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared and represented herself. Christine Brown, Hearing Facilitator, appeared on behalf of the Department. Neither party had any additional witnesses.

Dockets 18-013862 and 19-000325 were consolidated with no objection from the parties. The issues raised in both dockets will be addressed in this hearing decision.

Four exhibits were admitted into evidence during the hearing. A November 7, 2018, New Hire Client Notice was admitted as the Department's Exhibit A; a December 11, 2018, Health Care Coverage Determination Notice was admitted as the Department's Exhibit B; a July 25, 2018, Health Care Coverage Determination Notice was admitted as the Department's Exhibit C; and a New Hire Employment Report signed on December 30, 2018, was admitted as Petitioner's Exhibit 1.

ISSUES

Did Petitioner file a timely hearing request to dispute the termination of Medical Assistance (MA) for herself, [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]

Did the Department properly terminate Medical Assistance (MA) for [REDACTED]
[REDACTED]

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 8, 2018, the Department issued a Health Care Coverage Determination Notice to Petitioner which notified her that MA for [REDACTED] [REDACTED] was going to be terminated effective July 1, 2018.
2. On July 25, 2018, the Department issued a Health Care Coverage Determination Notice to Petitioner which notified her that MA for Petitioner was going to be terminated effective September 1, 2018.
3. On November 7, 2018, the Department issued a New Hire Client Notice to Petitioner to obtain verification of employment for [REDACTED] [REDACTED] in order to review her eligibility for MA. The Notice instructed Petitioner to have the form completed and to return it by November 19, 2018.
4. On December 10, 2018, the Department issued a Health Care Coverage Determination Notice to Petitioner which notified her that MA for [REDACTED] [REDACTED] was going to be terminated effective January 1, 2019.
5. On December 11, 2018, the Department issued a Health Care Coverage Determination Notice to Petitioner which notified her that MA for [REDACTED] [REDACTED] was going to be terminated effective January 1, 2019.
6. On December 28, 2018, Petitioner filed a hearing request to dispute the termination of MA for [REDACTED] [REDACTED]
7. On January 4, 2019, Petitioner submitted a response to the Department's November 7, 2018, New Hire Client Notice. Petitioner asserted that she did not receive the Notice until December 30, 2018.
8. On January 4, 2019, Petitioner filed a hearing request to dispute the termination of MA for herself and her son.
9. On February 19, 2019, the Department issued a Health Care Coverage Determination Notice to Petitioner which notified her that MA for [REDACTED] [REDACTED] was going to be terminated effective April 1, 2019.

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 have the right to dispute department decisions affecting eligibility or benefit levels. BAM 600 (October 1, 2018), p. 1. A hearing request must be in writing and signed by the adult member of the client's group or the client's authorized representative. BAM 600, p. 2. A hearing request must be filed within 90 days from the date of written notice. BAM 600, p. 6. The only issues that are considered at a hearing are the issues for which a client has requested the hearing. 42 CFR 431.241(b).

Here, Petitioner did not file timely hearing requests to dispute the termination of MA for herself and her son, [REDACTED] because Petitioner did not file her hearing request within 90 days of the dates of the written notices that notified her that MA for herself and her son would be terminated. The Department issued a written notice to Petitioner on July 25, 2018, to notify her that MA for herself would be terminated, and the Department issued a written notice to Petitioner on July 1, 2018, to notify her that MA for her son would be terminated. Petitioner's hearing request was not filed until January 4, 2019, which was beyond 90 days from the date of the written notices. Since Petitioner's hearing request was not timely for the termination of MA for her and her son, I do not have jurisdiction to address Petitioner's dispute.

At the hearing, Petitioner asserted that she also wanted to dispute the termination of MA for [REDACTED] and [REDACTED]. Petitioner did not identify the termination of MA for [REDACTED] and [REDACTED] as an issue in her hearing requests for these dockets. Since Petitioner did not request a hearing to dispute the terminations of MA for [REDACTED] and [REDACTED] in these dockets, I do not have jurisdiction to address Petitioner's dispute here. If Petitioner already filed a hearing request to dispute these issues, then they will be addressed in a separate docket in the future. If Petitioner has not already filed a hearing request to dispute these issues, Petitioner has 90 days from the dates of the notices to file her requests (the notices were issued on December 10, 2018, and February 19, 2019).

Petitioner did file a timely hearing request to dispute the termination of MA for [REDACTED] so I will address that issue. The Department terminated MA for [REDACTED] because Petitioner did not return verifications as instructed.

The Department must tell a client what verification is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. The Department must allow the client 10 calendar days to provide requested verification. BAM 130, p. 8. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. BAM 130, p. 8. Verifications are only considered timely if they are received by the due

date. BAM 130, p. 8. The Department must send a Negative Action Notice when the due date lapses or the client has refused to provide the verification. BAM 130, p. 8.

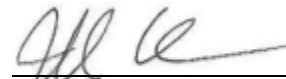
The Department sent Petitioner a New Hire Client Notice which instructed Petitioner what verification was required, how to obtain it, and the due date. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Petitioner failed to provide the requested verification by the due date, so the Department properly issued a Health Care Coverage Determination Notice which terminated MA for [REDACTED] [REDACTED] due to Petitioner's failure to provide the requested verification.

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 (a) the Michigan Administrative Hearing System does not have jurisdiction to address Petitioner's disputes of the termination of MA for herself, [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] in this docket and (b) the Department did act in accordance with its policies and the applicable law when it terminated MA for [REDACTED] [REDACTED] effective January 1, 2019.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
Administrative Law Judge
for Robert Gordon, 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

Linda Gooden
25620 W. 8 Mile Rd
Southfield, MI
48033

Oakland 3 County DHHS- via electronic mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

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