



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: June 19, 2019
MOAHR Docket No.: 19-004058
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 May 30, 2019, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Medical Contact Worker.

ISSUE

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

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 MA benefits under the Healthy Michigan Plan (HMP).
2. In connection with a redetermination, Petitioner's eligibility to receive MA benefits was reviewed. On or around January 14, 2019, the Department received and processed Petitioner's completed redetermination.
3. On January 14, 2019, the Department sent Petitioner a Verification Checklist (VCL) instructing him to submit proof of his earned and unearned income by January 24, 2019. (Exhibit A, pp. 5-6)
4. The Department did not receive the requested income verifications by the due date and did not receive any contact from Petitioner requesting an extension or assistance in obtaining the verifications.

5. On March 27, 2019, the Department sent Petitioner a Health Care Coverage Determination Notice informing him that effective May 1, 2019, his MA case was closing on the basis that he failed to return verification of income. (Exhibit A, pp. 8-10)
6. On April 12, 2019, Petitioner requested a hearing disputing the Department's actions with respect to the closure of his MA case.

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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (January 2019), p. 1. Additional verifications may be required at redetermination or renewal. For MA cases, verifications are due the same date as the redetermination packet. The Department allows a client a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. BAM 210, p. 16. For MA cases, benefits stop at the end of the benefit period unless a renewal is completed, requested verifications are received and a new benefit period is certified. BAM 210, p. 3. The Department will provide the client with timely notice of the negative action if the time limit is not met. BAM 210, p.14.

In this case, the Department testified that although it had received a completed redetermination from Petitioner, because Petitioner did not respond to the VCL and did not submit the requested income verifications by the January 24, 2019 due date, it sent him the Health Care Coverage Determination Notice advising him of the closure of his MA case effective May 1, 2019. The Department representative testified that there was no contact made by Petitioner requesting assistance with obtaining the verifications or requesting an extension of time to submit the income verifications. At the hearing, Petitioner initially testified that he contacted his Department caseworker after receiving the notice of case closure, but later testified that he called his caseworker before the

due date reflected on the verification checklist. Petitioner testified that he submitted the requested verifications, however, he could not recall the exact date. The Department acknowledged that on May 6, 2019, it received sufficient verification of Petitioner's income, however, his MA case had already closed, as the benefit period had ended. Petitioner did not establish that he complied with the Department's request for income verifications prior to the VCL due date or prior to the negative action date.

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 because the Department did not receive the requested verification of Petitioner's income by the due date identified on the VCL, the Department acted in accordance with Department policy when it closed Petitioner's MA case. Petitioner is informed that he is entitled to submit a new application for MA benefits and his eligibility will be determined from the application date, ongoing.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

ZB/tlf


Zainab A. Baydoun
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]