



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: September 25, 2019
MOAHR Docket No.: 19-008487
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 September 23, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) Program Healthy Michigan Plan (HMP) benefits?

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 April 21, 2019, the Department received notification through other State of Michigan resources that Petitioner had received income from Specialized Demolition, Incorporated (Employer).
2. On April 25, 2019, the Department issued a Wage Match Client Notice to Petitioner at his address of record requesting that he have the Employer complete the Wage Verification form attached to the notice and return it by May 28, 2019.
3. By June 25, 2019, the Department had not received a completed Wage Verification form from Petitioner; thus, a Health Care Coverage Determination Notice (HCCDN) was issued to Petitioner at his address of record informing Petitioner that

his MA case would close effective August 1, 2019 for failure to verify requested information.

4. On August 1, 2019, the Department received Petitioner's Request for Hearing disputing the closure of his MA benefits.

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.

In this case, Petitioner disputes the closure of his MA HMP benefits for failure to return a completed Wage Verification attached to the Wage Match Client Notice. The Department routinely matches recipient data with other agencies through automated computer data exchanges. BAM 802 (July 2018), p. 1. The Wage Match is a quarterly data exchange of information collected by the Talent Investment Agency and Unemployment Insurance Agency. *Id.* The information is used to determine current and past income sources for active Department clients. *Id.* The Wage Match process matches the Social Security Number for all active recipients to the database. *Id.* If a match is discovered with a discrepancy from the client's case file, the Department is required to contact the client and request verification by generating a DHS-4638 Wage Match Client Notice. BAM 802, p. 2. The Department automatically gives the client 30 days to provide the requested verification. If verifications are not returned by the 30th day, the case will be closed. *Id.*

The Wage Match Client Notice was issued to Petitioner's address of record which is his mother's house. However, Petitioner does not reside with his mother and is in a homeless situation. Petitioner admits that he does not check his mail regularly at his mother's home and at first testified that he did not receive the form but then later reversed his testimony and indicated that he did receive the form. In either case, the client always has the responsibility to update the Department with their most recent address of record so that the Department can communicate with the client. BAM 105 (January 2019), p. 12. It is the client's responsibility to regularly check their mail. Therefore, even if Petitioner received the Wage Match Client Notice late, the

Department fulfilled its obligations by mailing the form to Petitioner's last known address and Petitioner was responsible for checking his mail.

Once Petitioner received the Wage Match Client Notice, he testified that he had attempted to contact his Employer to have the form filled out, but never heard back from the Employer. Petitioner did not advise the Department of these circumstances until his Pre-hearing Conference. If Petitioner had notified the Department of the problems in communicating with the Employer sooner, he may have avoided a closure of his case. BAM 130 (April 2017), p. 8. Nevertheless, because Petitioner did not request help and did not advise the Department of his communication problems, the Department properly closed Petitioner's MA case for failure to return the Wage Match Client Notice by the deadline.

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 case effective August 1, 2019.

DECISION AND ORDER

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

AM/tm



Amanda M. T. Marler

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

DHHS

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

Petitioner

[REDACTED]
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[REDACTED]

CC:

[REDACTED]
[REDACTED]