



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 21, 2017
MAHS Docket No.: 17-003134
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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; 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 April 13, 2017, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Medicaid (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 under the Healthy Michigan Plan (HMP).
2. On January 4, 2017, the Department sent Petitioner a redetermination to assess his continued MA eligibility (Exhibit A, pp. 7-14).
3. The Department did not receive a completed redetermination from Petitioner.
4. On February 16, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice notifying him that his MA case would close effective March 1, 2017 because he failed to return the completed redetermination form and he did not meet program requirements (Exhibit A, pp. 4-6).

5. On [REDACTED] 2017, the Department received Petitioner's hearing request disputing the Department's actions (Exhibit A, pp. 2-3).

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.

Petitioner disputed the closure of his MA case. The Department explained that Petitioner's MA case closed because he failed to timely submit a completed redetermination. Department policy provides that an MA redetermination is an eligibility review based on a reported change and that an MA renewal is the full review of eligibility factors completed annually. BAM (January 2017), p. 1. In this case, the Department's testimony indicates that the form sent to Petitioner, although labeled a redetermination, was tied into the annual review of his MA eligibility. Therefore, the Department was actually seeking a renewal of Petitioner's MA eligibility.

At the time the Department sent Petitioner the renewal, Petitioner was a recipient of MA under the HMP program. HMP is a Modified Adjusted Gross Income (MAGI)-related MA category. BEM 137 (October 2016), p. 1. Department policy requires that the Department use information currently available in State of Michigan systems to renew eligibility and may not request information, including completing a renewal form, if the information is already available to the Department. BAM 210, p. 1. Individuals who have opted out of allowing the Department to use tax information are not included in the passive renewal process. BAM 210, p. 1.

In this case, the Department testified that Petitioner was not a tax filer. Because he could not elect to have the Department access his tax information, he was not eligible for passive renewal. Therefore, the Department acted in accordance with Department policy when it required Petitioner to renew his MA eligibility.

When a renewal is required, benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. BAM 210, p. 3. In this case, Petitioner testified that he received the renewal/redetermination form, completed it, put it

in a manila envelope, wrote in the Department's address, and sent it from the [REDACTED] post office. The Department denied receiving the form. Petitioner could not verify when the form was sent and did not provide a copy into evidence to support his testimony that he sent it.

Under the facts presented, Petitioner has failed to counter the Department's testimony that it did not receive the completed renewal. Because a new MA certification period could not be certified without receipt of the completed form, the Department acted in accordance with Department policy when it closed Petitioner's case.

At the hearing, the Department testified that Petitioner had reapplied for MA on [REDACTED] 2017 and had been approved for MA subject to a monthly deductible. Because this action was taken after Petitioner's [REDACTED] 2017 hearing request, the issue of the new coverage was not properly before the undersigned. However, Petitioner is advised that he may request a hearing to dispute his new MA coverage.

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 case.

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



ACE/tlf

Alice C. Elkin
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) 335-6088; 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

Via Email:

DHHS Hearings Coordinator – 19
BSC4 Hearing Decisions
EQAD
M. Best
MAHS

Petitioner – Via First-Class Mail:

[REDACTED]
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[REDACTED]
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