



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 8, 2018
MAHS Docket No.: 18-006211
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's June 15, 2018, request 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 August 8, 2018, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented himself. Rechela Hall, Eligibility Specialist, appeared on behalf of the Department.

One exhibit was admitted into evidence during the hearing. A 12-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly terminate Petitioner's health care coverage effective July 1, 2018?

FINDINGS OF FACT

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

1. In January 2018, Petitioner began receiving health care coverage from the Department through the Healthy Michigan Plan.
2. On May 2, 2018, the Department issued a New Hire Client Notice to Petitioner because the Department received a report that indicated Petitioner was employed and Petitioner had not reported to the Department that he was employed.
3. The New Hire Client Notice instructed Petitioner to complete a form and return it to the Department by May 14, 2018. The New Hire Client Notice notified Petitioner

that “failure to provide this information by the due date will result in cancellation of your public assistance benefits.” Exhibit A, p. 6.

4. Petitioner received the New Hire Client Notice, but Petitioner did not provide the information to the Department by May 14, 2018, as requested.
5. On May 31, 2018, the Department issued a Health Care Coverage Determination Notice which notified Petitioner that he had been found ineligible for health care coverage effective July 1, 2018, because he failed to provide requested information. Exhibit A, p. 4.
6. On [REDACTED] Petitioner filed a hearing request and provided the Department with the requested information. Exhibit A, p. 2.

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.

Health care coverage for adults is available through the Healthy Michigan Plan. In order for an individual to be eligible for health care coverage under the Healthy Michigan Plan, the individual must be age 19 to 64 and the household income cannot exceed 133% of the Federal Poverty Level (FPL). BEM 137 (April 1, 2018), p. 1.

The Department must obtain verification of income when an employment change is reported. BAM 130 (April 1, 2017), p. 1. The Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The Department must allow the client 10 calendar days to provide the verification that is requested. BAM 130, p. 8. The Department must send a case action notice if the client refuses to provide the requested verification or the client fails to make a reasonable effort to provide it before the due date lapses. BAM 130, p. 8-9.

Here, the Department acted in accordance with its policies when it terminated Petitioner’s health care coverage for his failure to make a reasonable effort to provide requested information before the due date of the New Hire Client Notice. On May 2, 2018, the Department issued a New Hire Client Notice to Petitioner which instructed

Petitioner to provide verification by May 14, 2018. Petitioner received the Notice, but he did not make a reasonable effort to provide the information to the Department by the due date. As a result, the Department sent a Health Care Coverage Determination Notice which notified Petitioner that he would be ineligible for health care coverage effective July 1, 2018. Petitioner did not make any effort to provide the requested verification until after he received the Health Care Coverage Determination Notice.

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 did act in accordance with its policies and the applicable law when it issued its May 31, 2018, Health Care Coverage Determination which terminated Petitioner's health care coverage effective July 1, 2018.

IT IS ORDERED the Department's May 31, 2018, Determination is AFFIRMED.

JK/nr



Jeffrey Kemm
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

Randa Chenault
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]
MI