



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: December 3, 2018
MAHS Docket No.: 18-010344
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's 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 November 28, 2018, from Lansing, Michigan. Petitioner, [REDACTED], appeared and represented himself. Eligibility Specialist, T. Leslie, appeared and represented the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 20-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 Medical Assistance (MA)?

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 [REDACTED], 2017, Petitioner applied for MA from the Department. In Petitioner's application, Petitioner acknowledged his responsibility to report changes in employment and income to the Department within 10 days.
2. Petitioner was a recipient of MA through the Department's Healthy Michigan Plan.
3. The Department received notice that Petitioner began employment which he had not reported to the Department.

4. On February 16, 2018, the Department issued a New Hire Client Notice to Petitioner with instructions to complete a form and return it to the Department by February 26, 2018. Petitioner did not return the completed form to the Department.
5. On September 21, 2018, the Department issued a Health Care Coverage Determination Notice which notified Petitioner that he was ineligible for MA effective November 1, 2018, due to his failure to provide requested information.
6. On October 3, 2018, Petitioner filed a hearing request to dispute the Department's decision.

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 uses a new hires match program to detect when clients have obtained employment. BAM 807 (January 1, 2018), p.1. When a client has obtained employment that has not been reported to the Department, the Department must contact the client to obtain verification. BAM 807, p. 1-2. The client has 10 days to respond. BAM 807, p. 2. If the client fails to respond, the Department must close the client's case. BAM 807, p. 3.

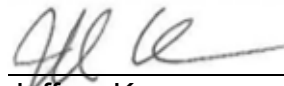
Here, the Department's program detected that Petitioner obtained employment which he had not reported to the Department. The Department sent a New Hire Notice with instructions to complete a form and return it to the Department by February 26, 2018. Petitioner did not complete and return the form as instructed. Petitioner did not request an extension either. Since Petitioner did not respond to the Department's request, the Department acted in accordance with its policies when it closed Petitioner's MA for his failure to provide 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 the Department did act in accordance with its policies and the applicable law when it issued its September 21, 2018, Health Care Coverage Determination which found Petitioner ineligible for MA effective November 1, 2018.

IT IS ORDERED the Department's decision 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

Lauren Casper
27690 Van Dyke
Warren, MI
48093

Macomb 20 County DHHS- via electronic
mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

