



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 27, 2018
MAHS Docket No.: 18-012044
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 December 19, 2018, from Lansing, Michigan. Petitioner, [REDACTED], appeared and represented herself. Assistant Payments Supervisor, Cheryl Watkins, and Eligibility Specialist, Manoj Patel, appeared for the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 2-page New Hire Client Notice was admitted as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's eligibility for 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. Petitioner was a recipient of MA through the Department's Healthy Michigan program.
2. On September 25, 2018, the Department issued a New Hire Client Notice to Petitioner. The Notice instructed Petitioner to provide the requested information to the Department by October 5, 2018. Petitioner received the Notice.
3. On October 13, 2018, Petitioner attempted to mail the completed Notice to the Department. The Department did not receive Petitioner's completed Notice.

4. On October 30, 2018, the Department issued a Health Care Coverage Determination Notice to notify Petitioner that she was no longer eligible for MA effective December 1, 2018, because she failed to provide requested information.
5. On November 5, 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.

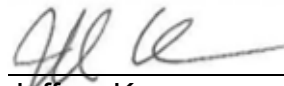
Here, the Department's program detected that Petitioner obtained employment which she had not reported to the Department. The Department sent a New Hire Notice with instructions to complete a form and return it to the Department by October 5, 2018. Petitioner did not complete and return the form as instructed. Petitioner first attempted to return the form after her deadline had already lapsed, and the Department did not receive the form from Petitioner. The Department acted in accordance with its policies when it closed Petitioner's MA for her 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 October 30, 2018, Health Care Coverage Determination which found Petitioner ineligible for MA effective December 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

Tiffany Flemings
22 Center Street
Ypsilanti, MI
48198

Washtenaw County DHHS- via electronic
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BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

