



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 4, 2019
MAHS Docket No.: 18-012590
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 January 28, 2019, from Detroit, Michigan. Petitioner appeared and was represented by [REDACTED]. The Department of Health and Human Services (Department) was represented by Rechela Hall, Eligibility Specialist. During the hearing, a 17-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-17.

ISSUE

Did the Department properly process close Petitioner's Medicaid (MA) benefits case, effective December 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. Petitioner was an ongoing recipient of MA coverage from the Department.
2. On October 4, 2018, the Department issued to Petitioner a Redetermination form to gather relevant information regarding Petitioner's ongoing eligibility for MA benefits. Exhibit A, pp. 5-12.
3. On [REDACTED] 2018, Petitioner returned the completed Redetermination form. Exhibit A, pp. 5-12.

4. On November 19, 2018, the Department issued to Petitioner a Health Care Coverage Determination Notice informing Petitioner that his MA benefits case was closing effective December 1, 2018 because the Department determined that Petitioner did not turn in the completed Redetermination form. Exhibit A, pp. 13-15.
5. On [REDACTED], 2018, Petitioner submitted to the Department a request for hearing objecting to the Department's closure of his MA benefits case for failing to turn in the Redetermination that he actually, in fact, did turn into the Department.
6. On December 7, 2018, the Department issued to Petitioner a Health Care Coverage Determination Notice informing Petitioner that he was eligible for MA benefits effective December 1, 2018 ongoing. Exhibit A, pp. 16-17.
7. On December 14, 2018, the Department issued to Petitioner a Health Care Coverage Determination Notice informing Petitioner that his MA benefits case was closing effective December 1, 2018 because the Department determined that Petitioner did not turn in the completed Redetermination form.

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 objects to the Department's closure of his MA benefits case based on his alleged failure to complete the redetermination process.

Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (January 2018), p. 3. If the client does not begin the redetermination process, the benefit period expires, and the FAP case is closed. BAM 210, p. 3. The redetermination process begins when the client files a completed Redetermination form with the Department. BAM 210, p. 3.

Petitioner's benefit period was set to expire on November 30, 2018. The Department issued to Petitioner a Redetermination in October 2018. Petitioner returned the completed Redetermination form in early November 2018, yet the Department did not

credit Petitioner for having submitted the Redetermination. Instead, the Department issued to Petitioner a notice informing Petitioner that his MA benefits case was closing because of his failure to provide the Redetermination. Shortly thereafter, Petitioner submitted the hearing request giving rise to the instant case. In response, the Department reinstated Petitioner's MA benefits case only to have it closed once again by the Department for failing to turn in the Redetermination that was in fact turned in. Thus, the Department closed Petitioner's MA benefits case at the expiration of his benefit period on November 30, 2018. Clearly, as Petitioner had in fact turned in the completed form, the Department's action was based on a faulty premise.

At the hearing, the Department acknowledged that it failed to properly process Petitioner's Redetermination submission. Further, the Department conceded that it closed it Petitioner's MA in error and subsequently reopened the case only to have it once again be closed in error.

Petitioner's benefit period was set to end, so the Department timely initiated the Redetermination process. Petitioner took reasonable action by submitting the completed Redetermination and then timely filing a hearing request before the benefit period had expired. The failure to complete the Redetermination process is attributable to the fact that the Department failed to properly process the Redetermination submission. In closing Petitioner's MA benefits case, the Department failed to act according to Department policy.

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 failed to act in accordance with Department policy when it closed Petitioner's MA benefits case.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's MA benefits case effective December 1, 2018.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's MA benefits case, effective December 1, 2018, and provide coverage from December 1, 2018;

2. Complete the redetermination process pursuant to law and policy, including providing Petitioner a fair opportunity to verify and necessary eligibility related facts; and
3. Issue written notice of any case action(s) in accordance with Department policy.

JM/cg



John Markey
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 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

Via Email:

MDHHS-Oakland-3-Hearings
D. Smith
EQAD
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

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