



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: February 8, 2019
MAHS Docket No.: 18-013070
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 February 7, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Terry Glenn, Family Independent Specialist.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) Program benefits?

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 September 4, 2018, the Department mailed Petitioner a Redetermination with a due date and interview date of October 4, 2018.
2. On October 4, 2018, the Department mailed a Notice of Missed Interview form for the Food Assistance Program (FAP) to Petitioner indicating she was required to reschedule the interview before October 31, 2018, otherwise her Redetermination would be denied and her case would be closed; the notice listed Petitioner's new caseworker, T. Glenn, in addition to the phone number and address where the caseworker could be reached.
3. On October 19, 2018, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner notifying her that she was not eligible

for Medicare Savings Program (MSP) coverage, effective November 1, 2018, because she failed to return the completed Redetermination.

4. On November 19, 2018, the Department issued another HCCDN to Petitioner informing her that she was not eligible for coverage under the Group 2 Aged Blind Disabled (G2S) plan of the Medical Assistance (MA) Program effective December 1, 2018, because she failed to return the completed Redetermination.
5. On December 6, 2018, the Department received Petitioner's completed Redetermination form in addition to his request for hearing disputing the closure of his MSP and MA benefits.

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's MSP and MA benefits were closed because she failed to return the completed Redetermination to the Department by the due date. The Department is required to review program eligibility at least every 12 months. BAM 210 (January 2018), p. 3. MA benefits stop at the end of a benefit period unless a renewal is completed, and a new benefit period is certified. BAM 210, p. 4. Bridges generates a Redetermination packet to the client three days prior to the negative action cut-off date in the month before the Redetermination is due. BAM 210, pp. 8, 19. Clients must be provided 30 days to return the completed form. BAM 210, p. 2.

The Department issued a Redetermination to Petitioner on September 4, 2018, for the Food Assistance Program (FAP), MSP, and MA programs with due date and interview date scheduled for October 4, 2018. Page one of the Redetermination packet is the Redetermination Telephone Interview notice which states in bold "your specialist must have the completed redetermination form in order to complete the interview." Petitioner testified that she did not receive the Redetermination packet in the mail until four or five days after the interview, meaning the mail took 34 or 35 days to be delivered; and she was unaware of the interview or the need to complete the Redetermination. However,

Petitioner's testimony was inconsistent. She also testified that on the morning of the missed interview, she woke up at 6:00 AM anticipating the phone call for her interview which never took place; therefore, she called her caseworker repeatedly. Petitioner could not have known about the interview unless she received the Redetermination informing her of the date and time for the interview. Petitioner's testimony was not credible. Even if Petitioner received the Redetermination four or five days after the scheduled interview and due date, Petitioner still failed to do anything with the Redetermination until November 29, 2018, when she signed it, and December 6, 2018, when she submitted it to the Department. Therefore, since Petitioner did not return the completed Redetermination to the Department until two months after it was due, the Department properly closed Petitioner's MSP and MA benefits. BAM 210, p. 4.

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 MSP and MA case.

DECISION AND ORDER

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



AMTM/jaf

Amanda M. T. Marler
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

DHHS

Lauren Casper
MDHHS-Macomb-20-Hearings

Petitioner

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