



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 12, 2019
MAHS Docket No.: 18-013127
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 11, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Jericha Hall, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) Program Healthy Michigan Plan (HMP) 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. Petitioner was an ongoing recipient of the MA Program HMP.
2. On October 26, 2018, the Department issued a Wage Match Client Notice to Petitioner with a due date of November 6, 2018.
3. Petitioner did not submit the completed form to the Department by the due date.
4. On December 3, 2018, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner informing him that his MA HMP benefits would close as of January 1, 2019, for failure to return requested verifications.

5. On December 10, 2018, the Department received Petitioner's request for hearing disputing the closure of his MA Program HMP benefits.
6. On January 10, 2019, Petitioner submitted a new application for 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 MA Program HMP case was closed for failure to return the completed Wage Match Client Notice by the due date. Petitioner admits to receiving the notice but did not receive it timely because it was sent to his parents' address, and he was going back and forth between his parents' home and his girlfriend's home.

The Department routinely matches recipient data with other agencies through automated computer data exchanges. BAM 807 (October 2018), p. 1. The State New Hires Match is a daily data exchange of information collected by the Michigan New Hire Operations Center and obtained through the Office of Child Support. *Id.* It is established based upon W-4 tax records submitted by employers to the Michigan New Hire Operations Center. *Id.* The process matches Social Security Numbers of active Department clients to the database. *Id.* If a match is found, the Department issues a New Hire Client Notice and gives the client 10 calendar days from the date the verifications were requested to comply. BAM 807, pp. 1-2. If verifications are not returned by the 10th day, the MA case is closed. BAM 807, p. 2.

In this case, Petitioner's New Hire Client Notice was sent to his address of record; and he failed to respond by the due date. If Petitioner was experiencing trouble checking his mail, it was his responsibility to update the Department with a new address which would make it easier for him to receive his mail. BAM 105 (January 2018), p. 12. Since he was not checking his mail regularly, he did not receive the Notice timely and did not submit the form to the Department by the due date. Therefore, the Department acted in accordance with Department policy when it closed Petitioner's MA Program HMP case.

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 MA HMP 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

Kelly Sutherland
MDHHS-Livingston-Hearings

Petitioner

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