



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: March 12, 2019
MAHS Docket No.: 19-000656
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 March 11, 2019, from Detroit, Michigan. Petitioner was present and was represented by her attorney, Sarah Bouck. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) and Medicare Savings Program (MSP) benefit cases?

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 MA and MSP benefit recipient.
2. On October 4, 2018, the Department sent a Petitioner redetermination packet that was due to be returned on November 5, 2018 (Exhibit B).
3. On November 19, 2018, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) informing her that her MA and MSP benefit cases were closing effective December 1, 2018, ongoing, for her failure to return her redetermination packet (Exhibit A).
4. On January 17, 2019, Petitioner submitted a request for hearing disputing the Department's actions.

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, the Department sent Petitioner a DHS-1010 Redetermination form on October 4, 2018. According to the document, the form was required to be completed and submitted by November 5, 2018.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2017), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. For MA cases, a redetermination is an eligibility review based on a reported change and a renewal is the full review of eligibility factors completed annually. BAM 210, p. 1. The DHS-1010 Redetermination form is generated and sent to the client at the time of an annual renewal. BEM 105 (April 2017), p. 3. Benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. BAM 210, p. 3.

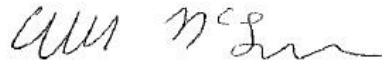
The Department testified that Petitioner did not return the redetermination by the due date of November 5, 2018. The Department stated that Petitioner's Electronic Case File (ECF) was reviewed, and there was no evidence Respondent had returned the redetermination. As a result, the Department sent Petitioner the HCCDN on November 19, 2018, informing her that her MA and MSP benefit cases were closing, effective December 1, 2018, ongoing.

Petitioner testified that she received the redetermination packet. However, Petitioner stated that she was confused, as she believed her MA and MSP benefit cases had been closed. Petitioner had applied for State Emergency Relief (SER) benefits on [REDACTED], 2018. On October 26, 2018, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER application had been denied (Exhibit C). Petitioner stated that she believed the October 26, 2018 notice also applied to her MA and MSP benefit cases. As a result, Petitioner did not return the redetermination for her MA and MSP benefit case.

The SER decision notice from October 26, 2018 clearly states it was in relation to Petitioner's request for assistance with her non-heat electric and water/sewage. The redetermination sent on October 4, 2018 clearly states it is in relation to Petitioner's MSP and MA benefit cases. As Petitioner did not timely return the redetermination for her MA and MSP benefit cases, the Department acted in accordance with policy when it closed both benefit cases.

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 acted in accordance with Department policy when it closed Petitioner's MA and MSP benefit cases. Accordingly, the Department's decision is **AFFIRMED**.



EM/jaf

Ellen McLemore

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

Amber Gibson
MDHHS-Ingham-Hearings

Petitioner

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