



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI

Date Mailed: February 24, 2020
MOAHR Docket No.: 19-013399
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 30, 2020 from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Robert Mapp, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) case for failure to provide verification?

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 is a recipient of MA.
2. On November 13, 2019, the Department Caseworker sent Petitioner a New Hire Client Notice, DHS-4635, that was due November 25, 2019, for his employer, [REDACTED]. Department Exhibit 1, pgs. 6-7.
3. On November 27, 2019, the Department Caseworker sent Petitioner a Health Care Determination Notice, DHS-1606, that effective December 1, 2019, that he was not eligible for MA. Department Exhibit 1, pgs. 10-12.
4. On December 9, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative action.

5. On December 18, 2019, the Department Caseworker sent Petitioner a Benefit Notice, DHS-176, that MA for Petitioner would end on December 1, 2019, due to his failure to return the DHS-4635, New Hire Notice that was due on November 25, 2019. Department Exhibit 1, pgs. 13-14.

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 was a recipient of MA, which requires him to provide verifications requested by the Department to determine continued eligibility for MA. He failed to provide pay stubs for his job at [REDACTED] by November 25, 2019. As a result, Petitioner's MA case closed on December 1, 2019. He is eligible to reapply for MA and provide the required verifications. Department Exhibits 1, pgs. 6-14. BAM 115 and 130.

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 case because he failed to provide the required verification to determine continued MA eligibility.

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

CF/hb



Carmen G. Fahie
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Oakland County (District 2) via electronic mail

BSC4 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

Petitioner

[REDACTED]
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