



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 18, 2020
MOAHR Docket No.: 20-001052
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 May 14, 2020, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by LaShona Callen, Assistance Payments Supervisor.

ISSUE

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

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 benefits under the Healthy Michigan Plan (HMP).
2. In connection with a redetermination, Petitioner's eligibility to receive MA benefits was reviewed. On or around [REDACTED], 2019, the Department received and processed Petitioner's completed redetermination.
3. On September 16, 2019, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of her earned and unearned income by September 26, 2019.
4. The Department did not receive the requested income verifications by the due date identified on the VCL.

5. On December 10, 2019, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that effective January 1, 2020, her MA case was closing on the basis that she failed to return verification of income.
6. On January 31, 2020, Petitioner requested a hearing disputing the Department's actions with respect to the closure of her MA case.

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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (October 2019), p. 1. Additional verifications may be required at redetermination or renewal. For MA cases, verifications are due the same date as the redetermination packet. The Department allows a client a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. BAM 210, pp. 16-17. For MA cases, benefits stop at the end of the benefit period unless a renewal is completed, requested verifications are received and a new benefit period is certified. BAM 210, pp. 3-4. The Department will provide the client with timely notice of the negative action if the time limit is not met. BAM 210, pp.14-17.

In this case, the Department testified that although it had received a completed redetermination from Petitioner, because Petitioner did not respond to the VCL and did not submit the requested income verifications by the September 26, 2019 due date, it sent her the Health Care Coverage Determination Notice advising her of the closure of her MA case effective January 1, 2020. The Department representative testified that there was no record of any contact made by Petitioner requesting assistance with obtaining the verifications or requesting an extension of time to submit the income verifications. At the hearing, Petitioner confirmed that she received the VCL and testified that she contacted her Department case worker in September 2019 and left a message


to inform the Department that she was out of town for three months caring for her ill parents. Petitioner did not indicate that she requested an extension to submit the income verifications, however, it is noted that the Department policy does not allow for a three-month extension. See BAM 130. Petitioner testified that in April 2020, she received her 1099 tax documentation and now has the requested information. There was no evidence presented to establish that the requested income verifications were timely returned to the Department.

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 because the Department did not receive the requested verification of Petitioner's income by the due date identified on the VCL or at any point prior to the closure of her MA case, the Department acted in accordance with Department policy when it closed Petitioner's MA case effective January 1, 2020. Petitioner is informed that she is entitled to submit a new application for MA benefits and her eligibility will be determined from the application date, ongoing.

DECISION AND ORDER

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

ZB/tm



Zainab A. Baydoun
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

Linda Gooden
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Petitioner

[REDACTED]
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cc: ME—D. Smith; EQADHShearings
Oakland County AP Specialist