



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

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Date Mailed: August 29, 2018  
MAHS Docket No.: 18-006421  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 August 16, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. ██████████, Petitioner's mother, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Kathleen Scorpio-Butina, hearing facilitator, and Khaled Abouelazm, manager.

**ISSUE**

The issue is whether MDHHS properly terminated Petitioner's Medical Assistance (MA) eligibility.

**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 recipient with an eligibility period through January 2018. (Exhibit A, p. 16)
2. On December 4, 2017, MDHHS mailed Petitioner a Redetermination. (Exhibit A, pp. 5-12)
3. On June 18, 2018, MDHHS initiated termination of Petitioner's MA benefits, to be effective July 2018, due to Petitioner's failure to return redetermination documents. (Exhibit A, pp. 13-15)

4. On June 27, 2018, Petitioner requested a hearing to dispute the termination of MA benefits.
5. Petitioner did not return a Redetermination to MDHHS before the end of June 2018 (see Exhibit A, p. 17).

### **CONCLUSIONS OF LAW**

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Healthy Michigan Plan (HMP) is a health care program administered by the Michigan Department of Community Health, Medical Services Administration. The program is authorized under the Affordable Care Act of 2010 as codified under 1902(a)(10)(A)(i)(VIII) of the Social Security Act and in compliance with the Michigan Public Act 107 of 2013. HMP policies are found in the Medicaid Provider Manual and Modified Adjusted Gross Income Related Eligibility Manual (MAGIM).

Petitioner requested a hearing to dispute a termination of MA benefits. MDHHS presented a Health Care Coverage Determination Notice (Exhibit A, pp. 13-15) which stated that Petitioner's MA eligibility would end July 2018 due to Petitioner's failure to return a Redetermination.

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210 (January 2018), p. 1.

For all programs, 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. *Id.*, p. 8. A redetermination/review packet is considered complete when all of the sections of the redetermination form, including the signature section, are completed. *Id.*, p. 11. Medicaid benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. *Id.*, p. 4.

MDHHS alleged that they mailed Petitioner a Redetermination and that Petitioner failed to return the Redetermination before the Petitioner's MA eligibility ended in June 2018. MDHHS presented the Redetermination mailed to Petitioner (Exhibit A, pp. 5-12). MDHHS presented a list of Petitioner's past submissions which notably did not include a Redetermination.

Petitioner's hearing request claimed he did not receive the Redetermination. Petitioner abruptly exited the hearing before providing any evidence to support his claim.

It was curious that MDHHS waited several months after the Redetermination due date before terminating Petitioner's MA eligibility. Typically, when clients do not return Redeterminations before the end of their benefit period, MDHHS initiates benefit termination before the end of the benefit period. MDHHS provided credible testimony that the delay in closure was an oversight. The delay in closure, though unusual, did not render the MA closure to be improper.

Given the evidence, MDHHS mailed Petitioner a Redetermination on December 4, 2017, and Petitioner failed to return the Redetermination to MDHHS before the closure of MA benefits. Thus, MDHHS properly terminated Petitioner's MA eligibility. Petitioner's recourse is to reapply for MA benefits if they are still needed.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's MA eligibility, effective July 2018. The actions taken by MDHHS are **AFFIRMED**.

CG/



**Christian Gardocki**

Administrative Law Judge

for Nick Lyon, 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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