



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] MI [REDACTED]

Date Mailed: June 7, 2019
MOAHR Docket No.: 19-003114
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

DISMISSAL ORDER

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, the Department issued a statement to MOAHR that Petitioner no longer needed a hearing. On May 9, 2019, ALM Supervisor Marya Nelson-Davis issued an Order Denying Hearing Request Withdrawal. On May 16, 2019, the undersigned conducted an administrative hearing from Lansing, Michigan. Petitioner was unrepresented. The Department of Health and Human Services (Department) was represented by J McLaughlin, FIM.

ISSUE

Is there a hearable issue?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times, Petitioner was a Medicaid beneficiary with the MDHHS.
2. At redetermination in February of 2019, the Department issued verification papers to Petitioner. Petitioner subsequently returned same timely.
3. Following Petitioner's verification of the requested paperwork, the Department failed to timely process the redetermination and closed Petitioner's case due to Department error on March 27, 2019.
4. On March 26, 2019, Petitioner filed a hearing request.

5. On April 3, 2019, the Department completed a Hearing Summary along with a hand-written note that Petitioner no longer needed a hearing.
6. On May 9, 2019, ALM Supervisor Marya Nelson-Davis issued an Order Denying Hearing Request Withdrawal.
7. On May 16, 2019, an administrative hearing was held. Petitioner stated that all back benefits have been paid and/or reinstated, and that she no longer disputes any action taken by the Department.

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.

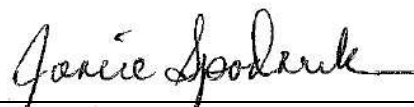
In this case, applicable policy and procedure applicable to the facts herein are found primarily at BAM 210 and BEM 137.

Here, the Department stipulates that it erred in closing Petitioner's case due to its failure to timely act on Petitioner's redetermination. However, by the time of the hearing, Petitioner no longer disputed any action as Petitioner's benefits have been reinstated and Petitioner had no loss of benefits. Thus, there is no substantive issue left to review.

As such, Petitioner's March 26, 2019, hearing request is

DISMISSED.

JS/dh



Janice Spodarek
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

Jackie Stempel
2700 Baker Street
PO Box 4290
Muskegon Heights, MI 49444

Muskegon County, DHHS

BSC3 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

Petitioner

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