



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

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Date Mailed: June 12, 2019
MOAHR Docket No.: 19-004451
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 June 6, 2019, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Jeffrey Robinson, 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. As of March 2019, Petitioner and/or her spouse and/or her children received ongoing MA benefits.
2. On March 4, 2019, MDHHS mailed Petitioner a Redetermination form concerning continuation of MA benefits.
3. On April 16, 2019, MDHHS received Petitioner's completed Redetermination form. Exhibit A, pp. 6-13.
4. On April 19, 2019, MDHHS initiated termination of Petitioner's child's MA eligibility effective May 2019.

5. On April 25, 2019, Petitioner requested a hearing to dispute the termination of MA benefits. Exhibit A, pp. 1-2.

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).

Petitioner requested a hearing to dispute a termination of Medicaid eligibility. During the hearing, it was not established which members of Petitioner's household (which included a spouse, and three children) were receiving Medicaid. A Health Care Coverage Determination Notice (HCCDN) dated April 19, 2019, stated that Petitioner's youngest child's MA eligibility would end beginning May 2019. Exhibit A, pp. 3-5. Though the HCCDN dated 4/19/19, only referenced one member of Petitioner's household, it is possible that a separate closure notice was sent to affect the MA eligibility of other members of Petitioner's household. For purposes of this decision, it will not be assumed that only Petitioner's child received ongoing MA benefits. It will be assumed that the notice stated the basis for closure for all members of Petitioner's MA group. The notice stated that MA closure would occur due to Petitioner's failure to return a Redetermination form.

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 (the MDHHS database) 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 mailed Petitioner a Redetermination form on March 4, 2019, with a due date of April 4, 2019. Exhibit A, p. 6. Though Petitioner returned the Redetermination form to MDHHS after the due date, Petitioner's submission date of April 16, 2019, was before MDHHS initiated termination of MA benefits and before the end of the benefit period. MDHHS testimony acknowledged that Petitioner's submission was timely enough for Petitioner's group's ongoing MA eligibility to be evaluated.

MDHHS did not forward documentation verifying the status of Petitioner's redetermination of benefits. In the absence of such documentation, MDHHS will be ordered to process Petitioner's MA eligibility beginning May 2019 based on the closure dated April 19, 2019, being improper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's group's MA eligibility beginning May 2019. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

(1) Redetermine Petitioner's group's MA eligibility subject to the finding that Petitioner returned a completed Redetermination form to MDHHS on April 16, 2019; and

(2) Initiate processing of Petitioner's group's MA eligibility beginning May 2019.

The actions taken by MDHHS are **REVERSED**.

CG/jaf



Christian Gardocki

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
MDHHS-Oakland-6303-Hearings

Petitioner

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