



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: August 23, 2019
MOAHR Docket No.: 19-006854
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 August 14, 2019, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

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 Group 2 Aged Blind Disabled (G2S) category and Medicare Savings Program (MSP) benefits under the Specified Below – Income Medicare Beneficiaries (SLMB) category. Petitioner's grandson, who is a member of her household, was an ongoing recipient of MA benefits under the Healthy Michigan Plan (HMP).
2. In connection with a renewal/redetermination, Petitioner and her grandson's eligibility was reviewed.
3. On May 4, 2019, the Department sent Petitioner a redetermination for her MA and MSP cases that was to be completed and returned to the Department by June 3, 2019. (Exhibit A, pp. 14-21)

4. Although Petitioner asserted that she mailed the redetermination to the Department on or around May 24, 2019, the Department did not receive the completed redetermination by the due date.
5. On June 17, 2019, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that effective July 1, 2019, her MA and MSP cases and her grandson's MA case was closing on the basis that she failed to return the redetermination. (Exhibit A, pp. 10- 13)
6. On or around June 27, 2019, Petitioner requested a hearing disputing the Department's actions with respect to the closure of her MA and MSP cases and the closure of her grandson's MA case. (Exhibit A, pp. 3-4)

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 (April 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, p. 16. 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, p. 3. The Department will provide the client with timely notice of the negative action if the time limit is not met. BAM 210, p.14.

At the hearing, the Department testified that because it did not receive a completed redetermination from Petitioner by the June 3, 2019, due date, it sent her a Health Care Coverage Determination Notice on June 17, 2019, advising her of the MA case closures for herself and her grandson, as well as the closure of her MSP case effect July 1,

2019. Petitioner confirmed receiving the redetermination and stated that she completed the form on or around May 24, 2019, made a copy, and had it mailed to the Department through her local mailman. She testified that she is disabled and is unable to get to the post office, so she gave the envelope to her mailman to have mailed to the Department. Petitioner testified that she was not aware that the redetermination was not received by the Department until she received the notice of case closure. Petitioner stated that after receiving the notice of case closure, she went to the local Department office on June 27, 2019 with a copy of the completed redetermination but was told that she was required to make an appointment with her caseworker. Petitioner testified that the Department would not take the copy of her redetermination and instead gave her a request for hearing form to file. It is noted that consistent with her testimony, Petitioner's hearing request was received by the Department on June 27, 2019. During the hearing, Petitioner presented the completed redetermination that appears to have been signed and dated by her on or around May 29, 2019. (Exhibit 1).

Upon further review and based on the totality of the record, 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 Petitioner presented sufficient evidence to establish that she timely mailed the redetermination to the Department and attempted to submit the redetermination a second time on June 27, 2019, the Department did not act in accordance with Department policy when it closed the MA cases for Petitioner and her grandson and when it closed Petitioner's MSP case effective July 1, 2019 due to a failure to return a redetermination.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner and her grandson's MA cases and Petitioner's MSP case effective July 1, 2019;
2. Process the redetermination to determine Petitioner and her grandson's ongoing eligibility for MA and MSP benefits from July 1, 2019, ongoing;
3. Provide Petitioner and her grandson with MA and MSP coverage from July 1, 2019, ongoing, if otherwise eligible, in accordance with Department policy; and

4. Notify Petitioner of its decisions in writing.

ZB/tlf



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

Via Email:

Petitioner – Via First-Class Mail:

