



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: September 24, 2019
MOAHR Docket No.: 19-009234
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 September 19, 2019, from Detroit, Michigan. Petitioner was present with her husband, [REDACTED], and they represented themselves. The Department of Health and Human Services (Department) was represented by [REDACTED] Lead Worker.

ISSUE

Did the Department properly close Petitioner's husband's Medicaid (MA) case due to failure to submit a completed redetermination?

FINDINGS OF FACT

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

1. [REDACTED] Petitioner's husband, was an ongoing recipient of MA under the Freedom to Work (FTW) program.
2. On June 4, 2019, the Department sent Petitioner a redetermination to be completed and returned to the Department so that it could assess [REDACTED] ongoing MA eligibility.
3. On July 19, 2019, the Department sent Petitioner a Health Care Coverage Determination Notice that notified her that [REDACTED] MA case would close effective August 1, 2019 due to her failure to return a completed redetermination to determine [REDACTED] ongoing MA eligibility (Exhibit A, pp. 5-8).

4. On July 24, 2019, the Department received Petitioner's hearing request disputing the MA decision. The hearing request included a completed redetermination and various verifications. (Exhibit A, pp. 3-4, 39-65.)

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 testified that it had sent Petitioner the July 19, 2019 Health Care Coverage Determination Notice closing her husband's MA case effective August 1, 2019 because it had not received a completed redetermination to determine his ongoing eligibility for MA assistance by the July 5, 2019 due date. Petitioner's husband was the recipient of MA under the FTW program, which is an SSI-related MA category. BEM 174 (January 2017), p. 1. An FTW recipient's periodic review of MA eligibility is required at least every 12 months. BAM 210 (April 2019), p. 3. MA benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. BAM 210 (April 2019), p. 4.

Here, the Department acknowledged that on July 24, 2019 Petitioner submitted online a hearing request along with a completed redetermination/renewal as well as various verifications. Because Petitioner submitted the completed redetermination within 12 days of the date the Department notified her of the intended case closure, the Department was required to delete the negative action and process the redetermination. BAM 220 (April 2019), p. 13. The Department explained that, because the documents were mislabeled in its electronic system, it delayed processing the redetermination until August 29, 2019 when Petitioner made the Department aware that she had submitted documents. The Department testified that, at that time, it reactivated ██████████ MA under the FTW program pending the processing of the redetermination. According to the Department, additional verifications were requested from Petitioner in order to process the redetermination/renewal (Exhibit A, pp. 66-69).

At the hearing, the undersigned indicated that the issue presented in Petitioner's hearing request had been resolved because the Department acknowledged that it had received the completed redetermination/renewal before the effective case closure date and had reinstated [REDACTED] MA case while it processed the redetermination/renewal and determined his eligibility for ongoing MA coverage. However, a review of the policy after the hearing makes clear that completion of the redetermination/renewal process includes certifying the results and sending the health care coverage notice, DHS-1606, detailing the information used to determine eligibility. BAM 210 (April 2019), pp. 18-19. Because the Department had not certified the MA results and sent Petitioner a notice regarding [REDACTED] ongoing MA eligibility as of the date of the hearing, the redetermination/renewal process was not completed in this case. As such, the Department has failed to show that it acted in accordance with policy in this case.

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 the Department did not act in accordance with Department policy when it failed to complete processing Petitioner's husband's MA 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. Complete processing Petitioner's husband's MA redetermination/renewal;
2. If eligible, provide Petitioner's husband with MA coverage he is eligible to receive from August 1, 2019 ongoing; and
3. Notify Petitioner in writing of its decision.

AE/tm



Alice C. Elkin

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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

cc: ME— [REDACTED] EQADHShearings
AP Specialist (3)