



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: December 13, 2019
MOAHR Docket No.: 19-010617
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 11, 2019, from Lansing, Michigan. Petitioner, [REDACTED], appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Brad Reno, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 21-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) effective September 30, 2019?

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 a recipient of MA through the Medicare Savings Program.
2. In July 2019, Petitioner moved from [REDACTED].
3. On August 5, 2019, the Department mailed a pre-populated redetermination to Petitioner to obtain information to review his eligibility for MA renewal. The Department mailed the redetermination to Petitioner's address on file with the Department, [REDACTED]. That same day, Petitioner submitted an address change form to the Department to change his address to

[REDACTED]. The Department did not reissue the redetermination to Petitioner's new address or update Petitioner's address.

4. Petitioner did not respond to the redetermination because he did not receive it.
5. On September 19, 2019, the Department decided to close Petitioner's MA because Petitioner did not respond to the Department's redetermination. The Department mailed a health care coverage determination notice to Petitioner to notify him that he was no longer eligible for MA effective October 1, 2019, because he did not respond to the Department's redetermination as instructed.
6. On September 26, 2019, Petitioner filed a hearing request to dispute the Department's decision.

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner is disputing the closure of his MA due to his failure to respond to the Department's redetermination. Petitioner argued that he did not return the redetermination because it was not mailed to his current address and he did not receive it. Petitioner did not present sufficient evidence to establish that the Department did not act properly.

Petitioner was required to keep his address updated with the Department, and the Department was required to mail correspondence to Petitioner at his address on file with the Department. The Department mailed the redetermination to Petitioner on August 5, 2019, to the address that it had on file for Petitioner as of that date. Although Petitioner submitted an address change form that same day, the Department had 15 days to update his address on file. BAM 220 (April 1, 2019), p. 7. Thus, the Department acted properly when it mailed the redetermination to Petitioner at [REDACTED].

Medical Assistance benefits must stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. BAM 210 (October 1, 2019), p. 4. In

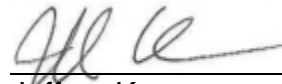
this case, Petitioner did not complete the redetermination to renew his benefit period, so his benefits had to stop.

DECISION AND ORDER

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 act in accordance with its policies and the applicable law when it closed Petitioner's MA effective September 30, 2019.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/ml



Jeffrey Kemm
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

Tamara Morris
125 E. Union St., 7th Floor
Flint, MI 48502

Genesee (Union) County DHHS

BSC2 – Via Electronic Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

Petitioner

[REDACTED] – Via First Class Mail
[REDACTED]
MI [REDACTED]