



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR



Date Mailed: January 24, 2020  
MOAHR Docket No.: 19-013051  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **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 January 22, 2020 from Detroit, Michigan. The Petitioner was self-represented and had his caregiver, [REDACTED], appear as a witness for the hearing. The Department of Health and Human Services (Department) was represented by Ruby Anderson, Assistance Payments Supervisor, and Anita Harris, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) Program benefits for failure to return 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. On September 4, 2019, the Department issued a Redetermination to Petitioner at his address of record with a due date of October 4, 2019.
2. As of October 18, 2019, the Department had not received the completed Redetermination and a Health Care Coverage Determination Notice (HCCDN) was issued to Petitioner informing him that effective November 1, 2019, his MA benefits would close for failure to return the completed Redetermination.
3. On December 3, 2019, the Department received Petitioner's request for hearing disputing the closure of his MA benefits.
4. At the hearing, Petitioner admitted that he did not submit the completed Redetermination to the Department due to an oversight on his part.

### 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, Petitioner requested a hearing after the Department closed his MA benefits for failure to return a completed Redetermination. The Department is required to periodically redetermine and renew a client's eligibility for program benefits. BAM 210 (October 2019), p. 1. A Redetermination form is used to facilitate that process. In MA cases, benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. BAM 210, p. 4. The renewal month is 12 months from the date of the most recently completed application submission date. BAM 210, p. 4.

Petitioner admits that he did not submit the Redetermination to the Department due to his own error. Therefore, the Department properly closed Petitioner's MA case for failure to return the completed Redetermination.

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 acted in accordance with Department policy when it closed Petitioner's MA benefits.

### DECISION AND ORDER

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

AMTM/jaf



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**Amanda M. T. Marler**  
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**

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**Petitioner**

