



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ORLENE HAWKS
DIRECTOR

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Date Mailed: January 16, 2019
MAHS Docket No.: 18-012033
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 14, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Rechela Hall, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's son's Medical Assistance (MA) Program benefit?

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 and all members of her household have been ongoing MA recipients.
2. On August 4, 2018, the Department issued a Redetermination to Petitioner at her address of record with a due date of September 4, 2018.
3. On September 21, 2018, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner advising her that her son's MA benefit would be closing effective November 1, 2018, for failure to return the completed Redetermination.
4. On October 22, 2018, the Department received the completed Redetermination.
5. On November 14, 2018, the Department received Petitioner's request for hearing disputing the closure of her son's MA Benefit.

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's son's MA case was closed due to a failure to timely return the Redetermination to the Department. Redeterminations and renewals are used to redetermine eligibility of active programs. BAM 210 (January 2018), p. 1. In MA cases, a redetermination is an eligibility review based upon a reported change and a renewal is a full review of eligibility factors completed annually. *Id.* Redeterminations and Renewals are not issued unless either of these circumstances occur. Petitioner questions the Department's issuance of Redetermination for her son and only her son. No other member of her household was subject to the Redetermination and no other member of her household had the benefit closed, yet each member of the household is an MA recipient and has been for some time. The Department could not explain why Petitioner's son's Redetermination or Renewal was under a review whereas the other household members were not. Furthermore, testimony indicates that Petitioner has submitted applications in January 2018, March 2018, and June 2018. The June application was specific to Food Assistance Program (FAP) benefits, but the January and March applications included MA coverage. Given applications in January and March, if these were in fact for MA benefits, there is no logical explanation based upon policy for a Redetermination in August 2018. Since the Department is unable to identify the reason for which Petitioner received the Redetermination or Renewal in August 2018, the Department has not met its burden of proof in showing that the closure was in accordance with policy.

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 closed Petitioner's son's MA case effective November 1, 2018.

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's son's MA benefits effective November 1, 2018;
2. Determine whether a Redetermination or Renewal was appropriate in August 2018 in accordance with policy;
3. If a Redetermination or Renewal is appropriate, complete the Redetermination and Renewal process for Petitioner's son;
4. Provide Petitioner in writing an explanation of whether a Redetermination or Renewal was appropriate for August 2018;
5. If Petitioner's son is otherwise eligible for MA benefits, issue supplements in accordance with Department policy.



AMTM/

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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Linda Gooden
MDHHS-Oakland-3-Hearings

Petitioner

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