



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: May 17, 2019  
MOAHR Docket No.: 19-003339  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

### **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 May 15, 2019, from Detroit, Michigan. Petitioner was present with his mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by Verenie Davis, Assistance Payments Supervisor and Mary Stolcenberg, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) benefit 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 MA recipient under the Healthy Michigan Plan (HMP) program.
2. On February 5, 2019, the Department sent Petitioner a redetermination that was due to be completed by March 6, 2019 (Exhibit A).
3. On March 18, 2019, the Department sent Petitioner a Health Care Coverage Determination Notice informing him that his MA benefit case was closing effective April 1, 2019, ongoing (Exhibit B).
4. On [REDACTED], 2019, Petitioner submitted a request for hearing disputing the Department's actions.

## **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, the Department sent Petitioner a DHS 10-10 Redetermination form on February 5, 2019. According to the document, the form was required to be completed and submitted by March 6, 2019.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2018), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. For MA cases, a redetermination is an eligibility review based on a reported change and a renewal is the full review of eligibility factors completed annually. BAM 210, p. 1. Benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. BAM 210, p. 3. However, policy provides for an exception for Modified Adjusted Gross Income (MAGI) MA programs. For MAGI MA, the Department must use information currently available in the State of Michigan systems to renew eligibility. BAM 210, p. 1. The Department should not request information from a beneficiary if the information is already available to the Department. BAM 210, p.1. This includes completing a renewal form. BAM 210, p. 1. Individuals can opt in to allowing the Department to access tax information to determine continuing eligibility for up to five years. BAM 210, p. 1. Individuals also have the opportunity to opt out of the passive renewal process, if indicated on their application. BAM 210, p. 2. Only information that has changed or is missing may be requested from the beneficiary. BAM 210, p. 2. The beneficiary is not required to take any action, such as signing or returning a notice if there has been no change in their circumstances. BAM 210, p. 2.

The Department testified that Petitioner did not timely return the redetermination. As a result, the Department sent Petitioner a Health Care Coverage Determination Notice informing Petitioner that his MA benefit case was closing effective April 1, 2019, ongoing.

The Department testified that Petitioner was an ongoing MA recipient under the HMP program. HMP is a MAGI MA program. BEM 137 (January 2018), p. 1. The Department stated it was unknown as to why Petitioner was sent a redetermination. The Department was unsure as to whether Petitioner had agreed to allow the Department to access his tax information or whether he had opted out of the passive renewal process. Therefore, the Department failed to establish that it acted in accordance with policy when it failed to complete the passive renewal process for Petitioner's MAGI-related MA benefit case. Thus, the Department did not act in accordance with policy when it closed Petitioner's MA benefit case.

### **DECISION AND ORDER**

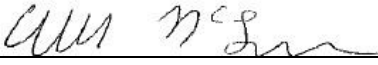
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Petitioner's MA benefit case.

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. Redetermine Petitioner's MA eligibility as of April 1, 2019, ongoing;
2. If Petitioner is eligible for MA benefits, provide Petitioner with MA coverage he is entitled to receive as of April 1, 2019, ongoing; and
3. Notify Petitioner of its MA decision in writing.

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

**Via Email:**

MDHHS-Kent-1-Hearings  
D. Smith  
EQAD  
BSC3- Hearing Decisions  
MOAHR

**Petitioner – Via First-Class Mail:**

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