



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 17, 2020  
MOAHR Docket No.: 19-011865  
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 16, 2020 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Richard Merrill, Assistance Payments Supervisor, and Laura Brandt, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's daughter's Medical Assistance (MA) Program MiChild benefits?

### **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 June 6, 2019, a letter was sent to Petitioner introducing him to the MiChild program for his daughter.
2. Beginning July 2019, Petitioner's daughter was eligible for MiChild MA coverage.
3. On July 5, 2019, a letter was sent to Petitioner advising him of the \$10.00 premium for MiChild coverage due by August 10, 2019.
4. On August 6, 2019, a second letter was sent to Petitioner indicating that there was a \$10.00 past due premium due immediately and a \$10.00 premium for the current month due by September 10, 2019.

5. On August 19, 2019, a letter was sent to Petitioner informing him that a \$10.00 premium had been due as of August 10, 2019, and that if it was not received by August 31, 2019, the MiChild coverage would end.
6. On September 6, 2019, a letter was sent advising Petitioner of a \$20.00 past due premium due immediately and a \$10.00 premium due October 10, 2019.
7. On October 16, 2019, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner advising him that as of November 1, 2019, his daughter was no longer eligible for MiChild coverage because the premium payment had not been received.
8. On October 21, 2019, the Department received Petitioner's request for hearing disputing the closure of his daughter's MA benefits.

### **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 disputes the closure of his daughter's MA benefits. Petitioner testified that he had attempted to pay the \$20.00 premium on August 26, 2019, after he received his first checkbook ever, but failed to sign the check. The check was sent back to Petitioner, and he issued a new check on November 7, 2019, for the total amount due of \$30.00.

Policy provides that families pay a monthly premium of \$10.00 for MiChild Coverage. BEM 130 (October 2019), p. 1. Furthermore, failure to pay the premium on time results in termination of the benefit. BEM 130, pp. 1, 3. Unfortunately, there are no exceptions to the rule. When Petitioner mailed the first check, he failed to sign it, meaning it could not be cashed or deposited. Petitioner's payment was three months late for the August due date and two months late for the September due date. Therefore, closure of the MiChild benefit 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 acted in accordance with Department policy when it closed Petitioner's daughter's MiChild MA case.

**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**  
(via electronic mail)

Pam Farnsworth  
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