



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: January 21, 2020
MOAHR Docket No.: 19-012689
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 January 9, 2020, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Natalie McLaurin, Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) and Medicare Savings Program (MSP) benefit cases?

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 and MSP benefit recipient.
2. On [REDACTED], 2019, the Department sent Petitioner a redetermination packet related to his MA and MSP benefit cases.
3. On November 6, 2019, Petitioner returned the redetermination packet (Exhibit A, pp. 3-10).
4. On November 15, 2019, the department sent Petitioner a Health Care Coverage Determination Notice informing him that his MA benefit case was closing effective December 1, 2019, ongoing (Exhibit A, pp. 11-14).

5. On November 25, 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 [REDACTED], 2019. According to the document, the form was required to be completed and submitted by November 4, 2019.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2017), 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. The DHS-1010 redetermination form is generated and sent to the client at the time of an annual renewal. BEM 105 (April 2017), p. 3. 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.

The Department stated that Petitioner's MA and MSP benefit cases closed due to the failure to return the redetermination packet. However, the Department acknowledged that Petitioner returned the redetermination on November 6, 2019. The Department was unsure as to why the redetermination was not processed.

Petitioner returned the redetermination prior to the end of his benefit period. Therefore, the redetermination should have been processed by the Department. Thus, the Department did not act in accordance with policy when it closed Petitioner's MA and MSP benefit cases.

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

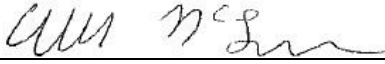
act in accordance with Department policy when it closed Petitioner's MA and MSP benefit cases.

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 and MSP benefit eligibility as of December 1, 2019, ongoing;
2. If Petitioner is eligible for MA benefits, provide him with coverage he is entitled to receive;
3. If Petitioner is eligible for MSP benefits, issue supplements in accordance with Department policy; and
4. Notify Petitioner of its decision in writing.

EM/cg



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

Via Email:

MDHHS-Saginaw-Hearings
D. Smith
EQAD
BSC2- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

