



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 24, 2020
MOAHR Docket No.: 19-013150
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 22, 2020, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Lanita Blake, Assistance Payments Worker and Kandice Hunt, Assistance Payments Supervisor.

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 Other Health Kids (OHK) MA program.
2. On [REDACTED], 2019, the Department sent Petitioner a redetermination related to her MA benefit case (Exhibit A, pp. 7-14).
3. On November 15, 2019, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that her MA benefit case was closing effective December 1, 2019, ongoing (Exhibit A, pp. 16-18).
4. On December 2, 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 (April 2019), 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 was an ongoing MA recipient under the OHK program. OHK is one of the categories under the Under 19 (U19) MA program. BEM 131 (June 2015), p. 1. OHK is an MA program for children aged 0-19. BEM 131, p. 1. The U19 MA program is a MAGI Medicaid program. BEM 131, p. 1. Although OHK is a MAGI-related MA program, and clients are able to opt into the passive renewal process, Petitioner was [REDACTED] years old at the time of the redetermination.

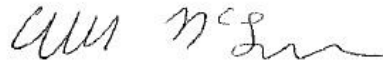
Therefore, Petitioner was no longer eligible for MA benefits under the U19 MA program. Thus, the Department was required by policy to send Petitioner a redetermination, as her circumstances had changed. The Department testified that Petitioner did not return the redetermination. As a result, the Department closed Petitioner's MA benefit case. Petitioner stated she did not receive the redetermination packet.

The Department presented Petitioner's electronic case file (ECF). The ECF consists of scanned documents, arranged by category and identified by a client name, recipient ID or case number, established for a particular client group. BAM 300 (October 2016), p. 1. The ECF contains all forms, documents and other evidence to the group's current and past eligibility. BAM 300, p. 1. The ECF revealed Petitioner did not return the redetermination. Therefore, the Department acted 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 acted in accordance with Department policy when it closed Petitioner's MA benefit case. Accordingly, the Department's decision is **AFFIRMED**.

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-Macomb-20-Hearings
D. Smith
EQAD
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Petitioner – Via First-Class Mail:

