



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: May 26, 2021
MOAHR Docket No.: 19-014421
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 hearing was held on April 14, 2021.

Petitioner was represented by [REDACTED] who was represented by [REDACTED]

The Department of Health and Human Services (Department) was represented by Ryan Clemens, FIM and Ms. Harris, ES Worker.

ISSUE

Did the Department properly propose to close Petitioner's MA?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times prior to the action(s) herein, Petitioner was a beneficiary of the Medicaid (MA) program.
2. On or about June 2019 the Department received information that Petitioner was residing outside of the United States.
3. Petitioner is a Chinese citizen and has a US 'green card.'
4. The Department incorrectly scheduled Petitioner's MA for case closure due to lack of citizenship but subsequently determined that the citizenship issue was in error and reinstated the case. On June 19, 2019, the Department issued notice to close

due to Petitioner being out of the country for more than 30 days and failing to meet MA residency requirements.

5. On August 13, 2019 Petitioner filed a hearing request.
6. On March 25, 2021, almost two years after Petitioner's hearing request, the MDHHS county office forwarded the hearing request to MOAHR. On March 31, 2021 MOAHR scheduled an administrative hearing for April 14, 2021. As of the date of the administrative hearing, Petitioner's MA case remains open, and Petitioner has not returned to the US.

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.

Applicable policy to the case herein is found in BAM 110, 21, 210, 220, and 600. In corresponding federal and state law applicable herein, in order for an individual to be eligible for MA in Michigan, an individual must meet residency requirements. These requirements require that an individual be a resident of the state of Michigan, and, any absences be temporary or less than 30 days with certain exceptions not applicable herein.

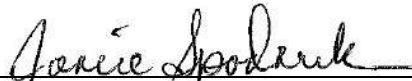
Here, Petitioner's representative does not dispute the facts and understands that under these facts, Petitioner's case should have closed but did not due to Department failure to do so. Petitioner's representative did not cause or contribute to the delays in this matter. Petitioner's representative understands that upon Petitioner's return to the US, Petitioner may reapply.

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 proposed closure of Petitioner's MA case was correct and is upheld.

DECISION AND ORDER

Accordingly, the Department's proposed closure of Petitioner's MA is correct and thus, is **AFFIRMED**.

JS/ml



Janice Spodarek
Administrative Law Judge

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

Courtney Jenkins
Washtenaw (Dist 20) County DHHS – via
electronic mail

BSC4 – via electronic mail

C. George – via electronic mail

EQAD – via electronic mail

Authorized Hearing Rep.

[REDACTED] – via first class mail

[REDACTED]
[REDACTED] MI [REDACTED]

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]