



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: March 16, 2020  
MOAHR Docket No.: 20-000686  
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 March 11, 2020, from Lansing, Michigan. Petitioner appeared unrepresented. The Department of Health and Human Services (Department) was represented by Maia Elvine-Fair, Aps, and Thomas Byrd, ES Worker.

### **ISSUE**

Did the Department properly propose to close Petitioner's Medicaid under the Freedom to Work (FTW) program?

### **FINDINGS OF FACT**

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

1. Prior to the proposed negative action herein, Petitioner was a MA recipient under the FTW program.
2. Petitioner must pay a premium each month.
3. Petitioner's January 11, 2020, MA-FTW was scheduled to close due to Petitioner's failure to pay the premium.
4. On January 24, 2020, Petitioner filed a timely hearing request and the action was reinstated due to a timely hearing.
5. Petitioner reapplied in [REDACTED] 2020.

### **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, applicable policy is found at BE 174.

Here, unrefuted evidence is that Petitioner wrote a money order to the MDHHS subcontractor who administers the FTW program. However, Petitioner put the wrong name of the organization on the money order. Petitioner's money order was returned to Petitioner requiring her to resubmit her payment. To date, that payment has not been made. Petitioner requested a hearing and reapplied. The Department reinstated the case due to a timely hearing; Petitioner continues to receive benefits.

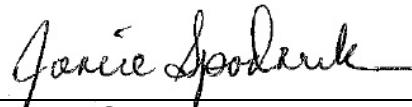
While the undersigned is cognizant of the fact that Petitioner has established a good cause reason for failing to make the payment, Petitioner has not to date corrected the payment. There is no remedy where there is no eligibility otherwise. Thus, the Department's action must be upheld.

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 proposed closure of Petitioner's FTW case due to the failure of Petitioner to make a timely payment. The Department noted that due to Petitioner's reapplication, Petitioner, if eligible, should not have a break in benefits. However, Petitioner's reapplication is not before this forum and is not reviewed.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

JS/ml



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Janice Spodarek  
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**

Washtenaw (District 20) – Via Electronic Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

**Petitioner**

[REDACTED] – Via First Class Mail

[REDACTED], MI [REDACTED]