



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: June 23, 2022
MOAHR Docket No.: 22-001827
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 May 25, 2022, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Ahmed Elahrag FIS. Venus Hughey appeared and testified for the Department. Department Exhibit 1, pp. 1-23 was received and admitted.

ISSUE

Did the Department properly close Petitioner’s Medical Assistance (MA) case pursuant to his request?

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 ██████████ ██████████ ██████████ an application for MA was submitted on the behalf of Petitioner with the assistance of ██████████ ██████████ from Independent Medical Network.
2. On February 24, 2022, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA was approved from November 2021 through March 31, 2022.
3. On March 9, 2022, ██████████ ██████████ submitted a letter asking to be removed as authorized representative because Petitioner had given her verbal permission to submit an application but now was refusing to the sign the authorized representative form. (Ex. 1, p.22)

4. On March 10, 2022, Petitioner requested that his MA case be closed.
5. On March 10, 2022, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA case was closing at hearing request effective March 31, 2022.
6. On March 25, 2022, Petitioner requested hearing.

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, an application was submitted on Petitioner's behalf on [REDACTED] with the assistance of Independent Medical Network. Petitioner provided his information as part of that application and [REDACTED] asserted that Petitioner verbally authorized her to submit the application. Petitioner at hearing disputed whether he gave verbal permission for the application. The Department processed the application based on the information submitted to them and approved MA benefits. The Department acted in accordance with Department policy in processing Petitioner's [REDACTED] MA application. Petitioner requested that his MA case close on March 10, 2022, and the Department closed the case effective March 31, 2022. That closure was proper and correct and consistent with Department policy. Petitioner argued at hearing that something nefarious was happening between the UM-Hospital and the Department but presented no proof to establish that contention.

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 case pursuant to his request.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

AM/nr



Aaron McClintic
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

Via-Electronic Mail :

DHHS
Courtney Jenkins
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198

Interested Parties
Washtenaw County DHHS
BSC4
D. Smith
EQAD

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]