



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
ACTING DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: September 28, 2023  
MOAHR Docket No.: 23-004324  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

### **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 August 31, 2023, from Lansing, Michigan. Mark Hendon, the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-18.

### **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's household's MA case was due for Redetermination.
2. On May [REDACTED] 2023, a Redetermination form was mailed to Petitioner's household with a due date of June 5, 2023. This form also stated that MA benefits would end if the form was not submitted. (Exhibit A, pp. 6-14)
3. The Redetermination form was not returned. (Exhibit A, p. 1; HF Testimony)
4. On July [REDACTED] 2023, a Healthcare Coverage Determination Notice was issued to Petitioner's household stating MA benefits would close effective August 1, 2023 based on the failure to return the redetermination form. (Exhibit A, pp. 15-18)

5. On July 26, 2023, Petitioner filed a Request for Hearing contesting the Department's action. (Exhibit A, pp. 3-4)

### **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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210, October 1, 2022, p. 1. MA Benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. BAM 210, p. 4.

In this case, Petitioner's household's MA case was due for Redetermination. On May ■ 2023, a Redetermination form was mailed to Petitioner's household with a due date of June 5, 2023. This form also stated that MA benefits would end if the form was not submitted. (Exhibit A, pp. 6-14). The Redetermination form was not returned. (Exhibit A, p. 1; HF Testimony). Accordingly, on July ■ 2023, a Healthcare Coverage Determination Notice was issued to Petitioner's household stating MA benefits would close effective August 1, 2023 based on the failure to return the redetermination form. (Exhibit A, pp. 15-18).

Petitioner explained that his wife passed away in May, and she was the one that handled all of this stuff. Petitioner was aware of notices that came in the mail before she passed away, but she assured Petitioner that it would carry through. Petitioner acknowledged that it was his fault for not submitting the requested information to the Department. (Petitioner Testimony).


As discussed, if he has not already done so, Petitioner may wish to reapply for MA benefits.

**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**.

CL/dm

  
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**Colleen Lack**  
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**  
Susan Noel  
Wayne-Inkster-DHHS  
**MDHHS-Wayne-19-  
Hearings@michigan.gov**

**StebbinsN**

**SchaferM**

**MOAHR**

**BSC4HearingDecisions**

**Via-First Class Mail :**

**Petitioner**

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