



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
ACTING DIRECTOR



Date Mailed: October 24, 2023  
MOAHR Docket No.: 23-004954  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 September 27, 2023, from Lansing, Michigan. The Petitioner appeared and testified and was represented by [REDACTED] [REDACTED] also appeared and testified for the Petitioner. The Department of Health and Human Services (Department) was represented by Laquita Cochrane and Marsha Dial. Department Exhibit 1, pp. 1-53 was received and admitted.

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) case for failing to return redetermination paperwork?

### **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 a recipient of MA.
2. On May 4, 2023, redetermination paperwork was sent to Petitioner with a due date of June 5, 2023.
3. On July 20, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her MA case was closing effective July 31, 2023, for failing to return redetermination paperwork.

4. On August 14, 2023, Petitioner requested hearing disputing the closure of MA.

### **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.

### **REDETERMINATION/RENEWAL CYCLE**

Medicaid Benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. Also, the renewal month is 12 months from the date the most recent complete application was submitted. BAM 210

In this case, Petitioner was a recipient of MA. On May 3, 2023, a notice was sent to Petitioner that her MA benefits automatically renewed through June 2024. (Ex. 1, p. 20) Redetermination/renewal paperwork was sent to Petitioner on May 4, 2023, with a June 5, 2023, due date. The paperwork was sent to the Petitioner at the address she confirmed at hearing that is her current address. The Department representative testified at hearing that they received no notification that the paperwork was returned by the post office. The Department followed up with the Petitioner on June 23, July 25 and July 26 with phone calls.

Petitioner testified at hearing that she did not receive the redetermination/renewal paperwork. Petitioner's representative argued that Petitioner had reason to believe that her MA was approved through June 2024 based on the notice sent to her on May 3, 2023.

Petitioner was subject to renewal for her MA benefits because it had been 12 months since her last renewal. Redetermination/renewal paperwork was sent to her at her address of record and was not returned. The paperwork is presumed to have been received by the Petitioner unless she presents evidence to rebut that presumption. Petitioner's testimony that she did not receive the paperwork was not enough to rebut the presumption. In addition, Petitioner was contacted on several other occasions to remind her to submit renewal paperwork. Petitioner's renewal was not completed prior to the end of the benefit period and her case closed, this was consistent with


Department policy and was proper and correct. BAM 210. It is understandable if the May 3 notification issued to Petitioner caused her confusion but the renewal paperwork and subsequent phone calls gave her sufficient notification and opportunity that she was required to provide renewal paperwork.

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 for failing to complete renewal paperwork prior to the benefit period ending.

**DECISION AND ORDER**

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

AM/ml

  
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**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**  
Nathan Norman  
Wayne-Adult Medical-DHHS  
3040 West Grand Blvd  
Detroit, MI 48202  
**MDHHS-Wayne-82-Hearings@michigan.gov**

**Interested Parties**

BSC4  
M Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

**Authorized Hearing Rep.**

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

**Petitioner**

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