



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 27, 2023
MOAHR Docket No.: 23-005411
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on October 23, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Dania Ajami, lead specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Medical Assistance (MA) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In 2020, Petitioner was an ongoing recipient of Medicaid for being a recipient of Supplemental Security Income (SSI).
2. In 2020, the Social Security Administration terminated Petitioner's SSI eligibility.
3. On August 18, 2023, MDHHS initiated termination of Petitioner's Medicaid eligibility beginning September 2023 due to Petitioner's failure to return a Redetermination form. Exhibit A, pp. 9-11.
4. As of August 18, 2023, MDHHS had not sent Petitioner a Redetermination form.

5. On August 31, 2023, Petitioner requested a hearing to dispute the closure of MA benefits.

CONCLUSIONS OF LAW

The 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. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of MA benefits. Exhibit A, pp. 3-4. A Health Care Coverage Determination Notice dated August 18, 2023, stated that Petitioner's MA eligibility would end September 2023 due to Petitioner's failure to return redetermination documents. Exhibit A, pp. 9-11.

For all programs, MDHHS must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2022) p. 1. The process includes a thorough review of all eligibility factors.¹ *Id.* For all programs, the MDHHS mails a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. *Id.*, p. 8. A Redetermination form is considered complete when all sections are completed. *Id.* p. 11. MDHHS sends timely notice of closure if documents are not timely returned. *Id.*, p. 17. MA benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. *Id.*, p. 4.

MDHHS contended it properly terminated Petitioner's MA eligibility on August 18, 2023, after Petitioner failed to return redetermination documents to MDHHS. Petitioner responded that MDHHS improperly terminated her MA eligibility because she never received redetermination documents.

In support of its closure, MDHHS testified that case comments dated September 11, 2023, documented that an application was mailed to Petitioner on an unspecified date since Petitioner's MA eligibility ended. Notably, the basis for closure was Petitioner's failure to return redetermination documents, not an application. MDHHS did not allege it mailed Petitioner redetermination documents.

Even if MDHHS intended to document it mailed Petitioner a Redetermination form, the timing of the comment is suspicious. As of the case comment date of September 11, 2023, Petitioner's MA eligibility had ended. The comment appears to be an afterthought

¹ For Medicaid, an annual review of all eligibility programs is called a "renewal". For all other programs, the process is a "redetermination". BAM 210 (October 2019) p. 1.

to justify the earlier MA closure. If MDHHS mailed Petitioner a Redetermination form, it should have documented the mailing on the date of mailing rather than several days or weeks later.²

Given the evidence, MDHHS failed to mail a MA Redetermination form to Petitioner. Thus, the termination of Petitioner's MA eligibility was improper. As a remedy, Petitioner is entitled to receiving redetermination packet to continue MA benefits.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's MA eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Mail Petitioner a redetermination packet for MA.
- (2) If timely returned, process Petitioner's MA eligibility beginning September 2023;
and
- (3) Issue supplements and notice, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/nr



Christian Gardocki

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

² It is curious that Petitioner is currently a MDHHS specialist. Without considering Petitioner's presumed MA ineligibility due to income, an MDHHS specialist should know that redetermination documents need to be returned to MDHHS for benefits to continue. Petitioner, for unexplained reasons, chose to request a hearing rather than submit the redetermination documents. Petitioner's choice is only footnoted because specialists do not have fewer rights than clients who don't work for MDHHS.

Via-Electronic Mail :

DHHS

Caryn Jackson
Wayne-Hamtramck-DHHS
12140 Joseph Campau
Hamtramck, MI 48212
**MDHHS-Wayne-55-
Hearings@michigan.gov**

Interested Parties

Wayne 55 County DHHS
BSC4
D. Smith
EQAD
MOAHR

Via-First Class Mail :

Petitioner

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