



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

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Date Mailed: December 20, 2023
MOAHR Docket No.: 23-006538
Agency No.: ██████████
Petitioner: █████ █████

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 November 6, 2023, from Lansing, Michigan. █████ █████ Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Colleen McKenna, Eligibility Specialist (ES).

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 MA benefit case was due for review in August 2023.
2. On July █████ 2023, a Redetermination form was sent to Petitioner with a due date of August █████ 2023. This form also stated that MA benefits would end if the form was not submitted. (Exhibit A, pp. 8-14)
3. On August █████ 2023, an email was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)
4. On August █████ 2023, a robocall was made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)

5. On August █ 2023, a text was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)
6. On August █ 2023, for August 2023 redeterminations, procedural terminations were delayed one month at renewal to allow for targeted outreach as per federal regulations. (Exhibit A, p. 18)
7. On September █ 2023, a robocall was made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)
8. On September █ 2023, a text was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)
9. On September █ 2023, an email was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)
10. On September █ 2023, Petitioner reported an address change to the Department. (Exhibit A, p. 18)
11. On September █ 2023, an email was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)
12. On September █ 2023, a robocall was made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)
13. On September █ 2023, a text was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18)
14. On September █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating that MA coverage for Petitioner would end October 1, 2023 because the redetermination form was not returned. (Exhibit A, pp. 15-17)
15. On October 2, 2023, Petitioner filed a Request for Hearing contesting the Department's action. (Exhibit A, pp. 1-3)

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 MA benefit case was due for review in August 2023. On July █ 2023, a Redetermination form was sent to Petitioner with a due date of August 4, 2023. This form also stated that MA benefits would end if the form was not submitted. (Exhibit A, pp. 8-14). On August █ 2023, an email was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18). On August █ 2023, a robocall was made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18). On August █ 2023, a text was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18).

On August █ 2023, for August 2023 redeterminations, procedural terminations were delayed one month at renewal to allow for targeted outreach as per federal regulations. (Exhibit A, p. 18). On September █ 2023, a robocall was made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18). On September █ 2023, a text was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18). On September █ 2023, an email was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18). On September █ 2023, an email was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18). On September █ 2023, a robocall was made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18). On September █ 2023, a text was sent to Petitioner due to not returning the Redetermination. (Exhibit A, p. 18).

On September █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating that MA coverage for Petitioner would end October 1, 2023 because the redetermination form was not returned. (Exhibit A, pp. 15-17).

Petitioner testified that she reported an address change to the Department in September 2023. (Petitioner Testimony). This is supported by a case comment documenting that on September 6, 2023, Petitioner reported an address change to the Department. (Exhibit A, p. 18). However, this was after the Redetermination form was sent to Petitioner on July 5, 2023. Accordingly, it appears that the Redetermination form was sent to Petitioner at her current address of record at the time it was issued.

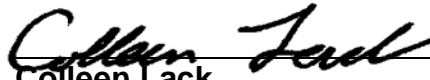
Ultimately, the closure of Petitioner's MA benefit case must be upheld because the redetermination form was not returned. As discussed, if she has not already done so, Petitioner may wish to reapply for MA benefits.

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 household member's MA benefit case.

DECISION AND ORDER

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

CL/dm



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
Melissa Robinson
Midland County DHHS
MDHHS-Midland-
Hearings@michigan.gov

SchaferM

EQADhearings

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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