



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: December 8, 2023
MOAHR Docket No.: 23-006775
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 November 9, 2023, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Sara Estes, Hearing Facilitator (HF).

During the hearing proceeding, the Department's hearing summary packet was admitted as Exhibit A, pp. 1-33

ISSUE

Did the Department properly determine Petitioner's household member's eligibility for Medical Assistance (MA)?

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 April [REDACTED] 2023, Petitioner reported an address change to [REDACTED] [REDACTED] as of September 1, 2022. The Department reviewed the change report and updated Petitioner's case on May 22, 2023. (Exhibit A, pp. 19, 23-27, and 29).
2. On June [REDACTED] 2023, the MA redetermination date for eligibility [REDACTED] (JJ) was moved to August 2023. (Exhibit A, p. 19)
3. On July [REDACTED] 2023, a Redetermination form was mailed to Petitioner at the [REDACTED] [REDACTED] address with a due date of August 4, 2023. Minor child JJ was included in the

listed household members. This form also stated that MA benefits would end if the form was not submitted. (Exhibit A, pp. 10-18)

4. On August █ 2023, a robocall was made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 19)
5. 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. 19)
6. On August █ 2023, the MA redetermination date for eligibility for other household members was moved to May 2024. (Exhibit A, p. 19)
7. On September █ and █ 2023, robocalls were made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 19)
8. On September █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating that MA coverage for JJ would end October 1, 2023 because the redetermination form was not returned. (Exhibit A, pp. 30-33)
9. On September █ 2023, Petitioner reported an address change to 1 █ MI as of September 15, 2023 and Petitioner's case was updated. (Exhibit A, pp. 28-29)
10. On September 29, 2023, Petitioner filed a Request for Hearing contesting the Department's action. (Exhibit A, pp. 5-9)

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, MA for Petitioner's child (JJ) was due for Redetermination in August 2024. (Exhibit A, p. 19). However, on August [REDACTED] 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. 19).

On April [REDACTED] 2023, Petitioner reported an address change to [REDACTED], MI as of September 1, 2022. The Department reviewed the change report and updated Petitioner's case on May 22, 2023. (Exhibit A, pp. 19, 23-27, and 29)

On July [REDACTED] 2023, a Redetermination form was mailed to Petitioner at the [REDACTED] [REDACTED] address with a due date of August 4, 2023. Minor child JJ was included in the listed household members. This form also stated that MA benefits would end if the form was not submitted. (Exhibit A, pp. 10-18). It is noted that Petitioner did not report any new address until September 21, 2023. (Exhibit A, pp. 28-29). Accordingly, the Redetermination was properly mailed to the current address for Petitioner at that time.

On August [REDACTED] 2023, a robocall was made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 19). On September [REDACTED] and 20, 2023, robocalls were made to Petitioner due to not returning the Redetermination. (Exhibit A, p. 19).

Ultimately, on September 18, 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating that MA coverage for JJ would end October 1, 2023 because the redetermination form was not returned. (Exhibit A, pp. 30-33).

Petitioner testified that she received the Redetermination, but she had not had to do a Redetermination in some time she did not think anything of it. Petitioner asserted that the Redetermination did not list JJ's name specifically, therefore she did not know the Redetermination was for JJ. (Petitioner Testimony). While the Redetermination form did not specify which household members were due for redetermination, JJ was listed as a household member and the form advised that MA benefits would end if the redetermination form was not returned. (Exhibit A, pp. 10-18).

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

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
Janice Collins
Genesee County DHHS Union St
District Office
**MDHHS-Genesee-UnionSt-
Hearings@michigan.gov**

SchaferM

EQADhearings

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MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]