



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: November 9, 2023
MOAHR Docket No.: 23-006785
Agency No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On October 10, 2023, Petitioner, [REDACTED] requested a hearing to dispute a Medical Assistance (MA) closure. As a result, a hearing was scheduled to be held on November 7, 2023, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Susan Ferrante, Eligibility Specialist, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 49-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's 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. Petitioner has four children: [REDACTED]
2. Petitioner's four children all received MA from the Department.
3. On July 5, 2023, the Department mailed a renewal form to Petitioner. The form requested information to determine MA eligibility. The form instructed Petitioner to answer the questions on the form, sign and date the form, and return the

completed form by August 4, 2023. The form stated, “your benefits will end if you do not submit the form.”

4. Petitioner received the renewal form from the Department.
5. On July 25, 2023, Petitioner provided the Department with various documents as proof of her income and expenses by uploading the documents to her MiBridges account.
6. The Department received the documents that Petitioner uploaded to her MiBridges account, but the Department did not receive a completed renewal form.
7. On September 18, 2023, the Department mailed a health care coverage determination notice to Petitioner to notify her that MA for each of her children was closing effective September 30, 2023, because the Department did not receive a completed renewal form.
8. On [REDACTED] 2023, Petitioner reapplied for MA for her children.
9. On October 10, 2023, Petitioner requested a hearing to dispute the Department’s decision to close MA for her children.
10. On October 16, 2023, the Department mailed a verification checklist to Petitioner to obtain information to determine her eligibility for MA.
11. The Department has received the requested verification from Petitioner, and the Department is currently processing Petitioner’s application for 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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Petitioner is disputing the Department’s decision to close MA for her children. The Department closed MA for Petitioner’s children because the Department did not receive a completed renewal form from Petitioner.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 1, 2022), p. 1. A renewal for MA is a full review of eligibility factors completed annually. *Id.* Benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. *Id.* at p. 4.

In this case, the Department was unable to complete a renewal of MA for Petitioner's children because the Department did not receive a completed renewal form from Petitioner. As a result, MA for Petitioner's children stopped at the end of the benefit period. Thus, the Department properly closed MA for Petitioner's children.

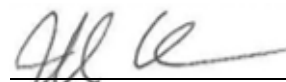
Petitioner asserted that the Department should have finished processing her new application by now. Petitioner submitted her new application for MA on [REDACTED] 2023. In general, the Department has 45 days to process an application for MA. BAM 115 (January 1, 2023), p. 15. The Department was still processing Petitioner's application as of the date of the hearing, but the Department had not reached the 45-day deadline yet, so the Department was still acting within the applicable standard of promptness. Thus, the Department is properly processing Petitioner's new application for MA.

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 did act in accordance with its policies and the applicable law when it determined Petitioner's Medical Assistance eligibility.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/ml



Jeffrey Kemm
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
Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089
MDHHS-Macomb-20-Hearings@michigan.gov

Interested Parties
BSC4
M Schaefer
EQAD
MOAHR

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]