



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: February 7, 2024
MOAHR Docket No.: 23-007286
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 January 9, 2024, from Lansing, Michigan. ██████████ ██████████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Devona Gilbert, Hearing Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-12.

ISSUE

Did the Department properly close Petitioner's Grandson'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 Grandson's MA benefit case was due for review in September 2023.
2. On August ██████████ 2023, a Redetermination form was sent to Petitioner with a due date of September 5, 2023. This form also stated that MA benefits would end if the form was not submitted. (Exhibit A, p. 4)
3. On October ██████████ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating that MA coverage for Petitioner's Grandson would end November 1, 2023 because the redetermination form was not returned. (Exhibit A, pp. 7-9)

4. On October 31, 2023, Petitioner filed a Request for Hearing contesting the Department's action. (Exhibit A, p. 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, 2023, 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 Grandson's MA benefit case was due for review in September 2023. On August █ 2023, a Redetermination form was sent to Petitioner with a due date of September 5, 2023. This form also stated that MA benefits would end if the form was not submitted. (Exhibit A, p. 4). On October █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating that MA coverage for Petitioner's Grandson would end November 1, 2023 because the redetermination form was not returned. (Exhibit A, pp. 7-9).

Petitioner testified that she did not receive the redetermination form. Petitioner would not have blown that off knowing that her grandson needs that care. However, Petitioner acknowledged that she has difficulties with mail. Petitioner's mailbox is around the corner on a different street. There are often problems if it is not the regular mail carrier. Further, Petitioner had not received the mailed copy of the Department's Hearing Summary packet for this hearing. (Petitioner Testimony).

Petitioner also indicated that she received a verification checklist issued on November 1, 2023 and submitted the requested information by placing it in the drop box on November 13, 2023. (Petitioner Testimony). It appears that a supervisor issued the verification checklist after the prehearing conference. However, the case could not be reinstated because the redetermination form was still needed. (Hearing Facilitator Testimony)

Ultimately, the October ■ 2023 determination to close Petitioner's grandson's MA benefit case must be upheld because the redetermination form was not returned in time to certify a new benefit period before the end of the current benefit period.

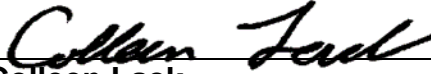
As discussed, if she has not already done so, Petitioner may wish to reapply for MA benefits for her grandson.

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
Elisa Daly
Saginaw County DHHS
MDHHS-Saginaw-
Hearings@michigan.gov

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