



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], MI [REDACTED]

Date Mailed: February 7, 2024
MOAHR Docket No.: 23-007486
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 on January 22, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Valarie Foley, hearings facilitator.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's child'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. As of April 2023, Petitioner her spouse, and two minor children which included [REDACTED] [REDACTED] (hereinafter, "Daughter"), were ongoing MA benefit recipients.
2. On [REDACTED] [REDACTED] 2023, Petitioner submitted to MDHHS an application for MA benefits requesting MA benefits for herself and family.
3. On an unspecified date, MDHHS updated Petitioner's MA case with information from Petitioner's application dated [REDACTED] [REDACTED] 2023.
4. On August 4, 2023, MDHHS mailed Petitioner redetermination documents for continuing MA eligibility for Petitioner's family.

5. On October 20, 2023, MDHHS initiated termination of Daughter's MA benefits beginning November 2023 due to Petitioner's failure to return redetermination documents.
6. On October 30, 2023, Petitioner requested a hearing to dispute the termination of Daughter's MA benefits.
7. As of October 30, 2023, Petitioner had not returned a Redetermination form to MDHHS.

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 for Daughter. Exhibit A, pp. 3-4. A Health Care Coverage Determination Notice dated October 20, 2023, stated that Daughter's MA would end November 2023 due to Petitioner's failure to return A Redetermination form. Exhibit A, pp. 15-17.

For all programs, MDHHS must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2023) p. 1. Generally, MDHHS redetermines MA benefits every 12 months. *Id.*, p. 3. 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 mailed Petitioner a Redetermination form for MA benefits on August 4, 2023. Exhibit A, pp. 6-14. It was not disputed that Petitioner did not return to MDHHS the Redetermination form to by October 31, 2023: the end of Petitioner's MA benefit period. MDHHS contended that Petitioner's failure to return the Redetermination form before the end of the MA benefit period justified the termination of Daughter's MA eligibility.

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.

Petitioner contended she should not have had to return a Redetermination for MA benefits because she applied for MA benefits on [REDACTED] [REDACTED] 2023. Petitioner testified that she was told by an unknown individual that her family's MA eligibility ended February 2023. Petitioner also testified that the information prompted her to submit an application in April 2023. Petitioner additionally testified she and her family were approved for MA benefits shortly after submitting the application. Petitioner contended that any termination of MA benefits based due to an unreturned Redetermination form before April 2024, 12 months after the application date, would be premature.

MDHHS acknowledged it received Petitioner's application but claimed that Petitioner's family's MA eligibility was never terminated. MDHHS testified it updated Petitioner's MA eligibility after receiving the application, but it did not consider the update to be a redetermination or renewal of benefits. Thus, MDHHS contended, Petitioner's MA redetermination happened as scheduled: in November 2023. MDHHS testimony was consistent with the evidence as Petitioner provided no evidence of a notice verifying MA closure in February 2023 or an approval notice extending the redetermination month beyond November 2023.²

It is curious that Petitioner's failure to timely return a Redetermination form resulted only in a termination of Daughter's MA benefits. Ultimately, the closure of only Daughter's MA eligibility is irrelevant. The evidence established that MDHHS properly mailed Petitioner a Redetermination form and that Petitioner failed to timely return it to MDHHS. Perhaps MDHHS should have ended the MA benefits of all household members, but the evidence at least established a proper termination of Daughter's MA benefits. Petitioner's recourse is to reapply for MA benefits for Daughter if MA benefits are still needed.³

² Bridges, the MDHHS database, sets the redetermination/renewal date according to benefit periods. BAM 210 (October 2023) p. 3. In other words, a redetermination month is not necessarily based on when a client submits an application.

³ The evidence suggested that MDHHS received Petitioner's Redetermination form in November 2023. Under Economic Stability Administration Memorandum ESA 2023-25 dated May 10, 2023, and revised June 28, 2023, MDHHS is to reprocess MA benefits if a Redetermination form is received within 90 days of closure. There is no jurisdiction in the present case to order MDHHS to reinstate or reprocess MA benefits because the submission occurred after Petitioner requested a hearing. Petitioner is free to request a hearing if MDHHS fails to process the tardy Redetermination form.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's Daughter's MA eligibility beginning November 2023. The actions taken by MDHHS are **AFFIRMED**.

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

Via-Electronic Mail :

DHHS
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
**MDHHS-Wayne-19-
Hearings@michigan.gov**

Interested Parties
Wayne 19 County DHHS
BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

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