



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: February 28, 2024
MOAHR Docket No.: 23-008439
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 30, 2024, from Lansing, Michigan. █████ █████ Daughter, represented the Petitioner. █████ █████ the Petitioner, was present. The Department of Health and Human Services (Department) was represented by Keela Morris, Eligibility Specialist (ES).

During the hearing proceeding, the Department's hearing summary packet was admitted as Exhibit A, pp. 1-28.

ISSUE

Did the Department properly determine Petitioner'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. Petitioner was receiving MA under the Healthy Michigan Plan (MA-HMP) category. (Exhibit A, p. 1)
2. On September █████ 2023, a Redetermination form for MA was sent to Petitioner with a due date of October 5, 2023. This form also stated that benefits would end if the form was not submitted. (Exhibit A, pp. 11-17)

3. On October █ 2023, October █ 2023, November █ 2023, and November █ 2023, robocalls and texts were sent to Petitioner's phone number reminding him to return the Redetermination. (Exhibit A, p. 1)
4. On November █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating that MA coverage for Petitioner would end December 1, 2023 because the redetermination form was not returned. (Exhibit A, pp. 24-26)
5. On November █ 2023, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 4-18)
6. On November █ 2023, the Redetermination form and a bank verification were returned with the hearing request. (Exhibit A, pp. 1 and 9-18)
7. On December █ 2023, a Verification Checklist was issued to Petitioner requesting verification of Petitioner's trust with a due date of December 11, 2023. (Exhibit A, pp. 27-28)

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.

Bridges allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the tenth day falls on a weekend or holiday, the verification would not be due until the next business day. BAM 210, p. 17.

The BAM 210 policy also addresses subsequent processing. If the client takes the required action within 30 days after the end of the benefit period the Department is to re-

register the redetermination application using the date the client completed the process. If the client is eligible, prorate benefits from the date the redetermination application was registered. BAM 210, p. 22.

Petitioner was receiving MA under the Healthy Michigan Plan (MA-HMP) category. (Exhibit A, p. 1).

On September █ 2023, a Redetermination form for MA was sent to Petitioner with a due date of October 5, 2023. This form also stated that benefits would end if the form was not submitted. (Exhibit A, pp. 11-17). On October █ 2023, October █ 2023, November █ 2023, and November █ 2023, robocalls and texts were sent to Petitioner's phone number reminding him to return the Redetermination. (Exhibit A, p. 1). On November █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating that MA coverage for Petitioner would end December 1, 2023 because the redetermination form was not returned. (Exhibit A, pp. 24-26).

Petitioner and his daughter indicated that the Department sent the correspondence to an incorrect address. By the time Petitioner received the Redetermination form, it was too late to submit it by the due date. Petitioner's address changed in 2021. The attorney previously working on Petitioner's case indicated that paperwork sent to the Department showed a different address for Petitioner. Specifically, in February 2021 a checking account statement was submitted which showed a different address for Petitioner. (Exhibit A, p. 5; Daughter Testimony). The ES explained that unless a change in address was reported, or if the Department had been questioning the address, the Department would not have changed Petitioner's address of record based upon the bank statement. (ES Testimony).

On November 20, 2023, Petitioner filed a hearing request contesting the Department's determination. The Redetermination form and a bank verification were returned with the hearing request. (Exhibit A, pp. 4-18). On December 1, 2023, a Verification Checklist was issued to Petitioner requesting verification of Petitioner's trust with a due date of December 11, 2023. (Exhibit A, pp. 27-28).

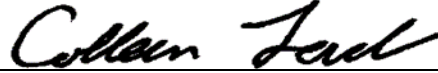
Accordingly, the Department reinstated Petitioner's MA benefits on November █ 2023 and the Department is still processing the case. (Exhibit A, p. 1; ES Testimony).

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 determined Petitioner's eligibility for MA when it closed the MA case when the Redetermination had not been returned. The Department also properly reinstated Petitioner's MA case when the Redetermination was received within 30 days after the end of the benefit period and has begun processing the 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
Yvonne Hill
Oakland County DHHS Madison
Heights Dist.
**MDHHS-Oakland-DistrictII-
Hearings@michigan.gov**

SchaferM

EQADhearings

BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED]