



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 29, 2024
MOAHR Docket No.: 23-008504
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

ORDER OF DISMISSAL
FOR LACK OF JURISDICTION

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 25, 2024, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Arthur Smith and Julie Claffey.

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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

On August [REDACTED] 2023, the Department notified Petitioner that he was not eligible for full coverage Medical Assistance (MA) benefits, or the Medicare Savings Program (MSP) based on his financial circumstances. On August 29, 2023, Petitioner filed a timely hearing request, and the closure of Petitioner’s benefits was delayed pending an administrative hearing. An evidentiary administrative hearing was held on October 12, 2023, and on October 17, 2023, Michigan Office of Administrative Hearings and Rules (MOAHR) issued a hearing decision upholding the closure of Petitioner’s MA and MSP benefits.

The Department once again initiated closure of Petitioner's MA and MSP benefits based on the hearing decision. On November 27, 2023, Petitioner filed another timely hearing request.

Petitioner continues to argue that the Department is improperly closing his MA and MSP benefits. Petitioner testified that he lives with his spouse and another family member. As a person over the age of 64, Petitioner's benefit group for MA and MSP benefits consists of himself and his spouse as directed by BEM 211. The prior hearing decision does not indicate that group size was protested in the previous administrative hearing, but it is clear that household size was considered in the Department's determination of eligibility.

Further, Petitioner argues that the Department has failed to address his requests for assistance in a competent manner.

However, a complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

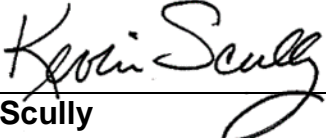
The doctrine of collateral estoppel shields litigants from the burden of re-litigating identical issues to avoid inconsistent results. The goal is to balance the rights and interests of a party to be heard and the public's interest in discouraging repetitive litigation. In this case, the Department determined that Petitioner was not eligible for full coverage MA benefits and that he was not eligible for MSP benefits, but those benefits were held open pending an administrative hearing. At the conclusion of an evidentiary administrative hearing, the closure of Petitioner's full coverage benefits and his enrollment into a limited coverage category of MA was upheld. No evidence was presented on the record that Petitioner's filed a request for reconsideration or rehearing, or that he appealed the results of his administrative hearing to circuit court. Instead, Petitioner filed a second request for an administrative hearing.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that Petitioner's November 27, 2023, fails to raise any relevant issues not addressed in the October 17, 2023, administrative hearing decision. Petitioner's November 27, 2023, hearing request therefore dismissed under the doctrine of collateral estoppel since Petitioner's grievances have already been settled.

Petitioner's hearing request is therefore **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Lacey Whitford
Isabella County DHHS
**MDHHS-Isabella-
Hearings@michigan.gov**

SchaferM

EQADHearings

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]