



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 8, 2024
MOAHR Docket No.: 23-008522
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 line on February 1, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Caitlin Dodge, manager.

ISSUE

The issue is whether MDHHS properly terminated Petitioner'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. On September 5, 2023, MDHHS mailed Petitioner a Redetermination form to continue MA benefits. The due date to return the form was October 5, 2023.
2. On November 17, 2023, MDHHS initiated termination of Petitioner's MA eligibility beginning December 2023 due to Petitioner's failure to return a Redetermination form.
3. On November 20, 2023, Petitioner requested a hearing to dispute the closure of MA benefits.

4. As of November 20, 2023, Petitioner had not returned the 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. Exhibit A, pp. 3-4. A Health Care Coverage Determination Notice dated November 17, 2023, stated that Petitioner's MA eligibility would end December 2023 due to a failure to return a Redetermination form. Exhibit A, pp. 14-16.

For all programs, MDHHS must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2022) p. 1. 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 contended it properly sent Petitioner a Redetermination form for MA benefits on September 5, 2023. Exhibit A, pp. 5-13. It was not disputed that Petitioner received the form and did not return it by the due date of October 5, 2023.

Petitioner testified he wanted to electronically return the Redetermination form but was unable to do so due to technical difficulties. Petitioner's excuse might be persuasive if an electronic submission was Petitioner's only opportunity to return the Redetermination form to MDHHS. However, MDHHS also mailed Petitioner a paper Redetermination form.

Petitioner testified that he did not return the paper version to MDHHS because he was traveling abroad throughout September and October 2023. Aside from MDHHS policy not allowing for good cause for a client's failure to return Redetermination form, Petitioner's excuse does not meet a reasonable person standard for establishing good cause.

¹ For Medicaid, an annual review of all eligibility programs is also referred to as a "renewal". BAM 210 (October 2022) p. 1.

The evidence established that MDHHS properly sent Petitioner a Redetermination form for MA benefits and that Petitioner failed to return the form before the end of the benefit period. Thus, MDHHS properly terminated Petitioner's MA eligibility beginning December 2023. As discussed during the hearing, Petitioner's recourse is to reapply for MA benefits if benefits are still needed.²

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 MA eligibility beginning December 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

² Petitioner may still be entitled to "subsequent processing". 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 there is no evidence that Petitioner returned a Redetermination form to MDHHS before requesting a hearing.

Via-Electronic Mail :

DHHS

Yaita Turner
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Interested Parties

Oakland 3 County DHHS
BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

Petitioner

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[REDACTED], MI [REDACTED]