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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

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ACTING DIRECTOR

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██████████, MI ██████████

Date Mailed: February 26, 2024
MOAHR Docket No.: 23-008561
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on February 7, 2024, via teleconference. Petitioner appeared and represented himself. ██████████ appeared as a witness for Petitioner. Shavonne Ray, Assistance Payments Worker, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS submitted proposed exhibits prior to the hearing, which were admitted as MDHHS Exhibit A, pp. 1-34.

ISSUE

Did MDHHS properly determine Petitioner's eligibility for Medicaid (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 an ongoing recipient of Healthy Michigan Plan (HMP) MA coverage.
2. On ██████████, 2023, Petitioner submitted an application for MA and Food Assistance Program (FAP) benefits to MDHHS (Exhibit A, p. 24).
3. On November 17, 2023, MDHHS sent Petitioner a Health Care Coverage Determination Notice indicating that is MA coverage would be terminated December 1, 2023 (Exhibit A, p. 7).

4. On November 28, 2023, Petitioner filed a Request for Hearing regarding his MA coverage (Exhibit A, pp. 3-5).

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).

Medicaid (MA) 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 is also known as Medical Assistance. BEM 105 (January 2021), p. 1.

In this case, Petitioner disputed the termination of his MA coverage. At the hearing, MDHHS initially testified that there was no interruption in Petitioner's MA coverage. However, it was discovered that MDHHS confused Petitioner's MA case (Case Number ending in 734) with his father's MA case (Case Number ending in 844). Regarding Petitioner's MA case, MDHHS testified that Petitioner was receiving HMP MA, but that his coverage was terminated for failure to return the redetermination packet, which was due by October 5, 2023.

MA includes several sub-programs or categories. BEM 105, p. 1. To receive MA under a Supplemental Security Income (SSI)-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* MA eligibility for children under 19, parents or caretakers of children, pregnant or recently pregnant women, former foster children, MOMS, MIChild, Flint Water Group and Health Michigan Plan (HMP) is based on Modified Adjusted Gross Income (MAGI) methodology. *Id.* HMP MA provides health care coverage for a category of eligibility authorized under the Patient Protection and Affordable Care Act and Michigan Public Act 107 of 2013 effective April 1, 2014. BEM 137 (June 2020), p. 1.

MDHHS must periodically redetermine or renew an individual's eligibility for all active programs. BAM 210 (October 2022), p. 1. The redetermination/renewal process includes thorough review of all eligibility factors. *Id.* For MA, a redetermination is an eligibility review based on a reported change. *Id.* A renewal is a full review of eligibility factors completed annually. *Id.* For MAGI-related MA programs, including HMP, MDHHS must use information currently available in State of Michigan systems to renew eligibility. *Id.* Only information that has changed or is missing may be requested from the beneficiary. *Id.*, p. 2. The beneficiary is not required to take any action, such as signing or returning a notice if there has been no change in their circumstances. *Id.* If

the information is not sufficient to renew eligibility, MDHHS must send a pre-populated renewal form to the beneficiary and allow the beneficiary 30 calendar days to respond and return the renewal form. *Id.* MDHHS must notify the beneficiary of their eligibility and the basis for the determination. *Id.* Additionally, for MAGI-related MA programs, MDHHS is required to consider the client's attested income and perform a reasonable compatibility test, when necessary. BAM 500 (April 2022), p. 5.

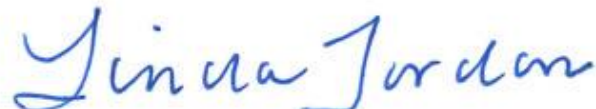
Here, MDHHS terminated Petitioner's HMP MA coverage for failure to return the redetermination/renewal form by the deadline of October 5, 2023 (Exhibit A, p. 17). The record shows that MDHHS sent Petitioner a pre-populated redetermination form on September 5, 2023 (Exhibit A, p. 17). Then on [REDACTED], 2023, Petitioner submitted an assistance application for MA online (Exhibit A, p. 24). Because Petitioner submitted a completed application prior to the deadline of October 5, 2023, MDHHS should have reviewed and processed the application in lieu of the redetermination form. MDHHS is required to use information currently available in State of Michigan systems to renew eligibility for MAGI-related MA programs and should only request information from clients if information is missing or if an eligibility factor has changed. BAM 210, p. 1-2. No evidence was presented that information was missing or that an eligibility factor had changed.

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 MDHHS did not act in accordance with Department policy when it terminated Petitioner's MA coverage.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**. MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's MA case and redetermine Petitioner's eligibility for MA from December 1, 2023 ongoing;
2. Provide Petitioner with the most beneficial category of MA coverage that he is eligible to receive, from December 1, 2023 ongoing; and
3. Notify Petitioner of its decision in writing.



Linda Jordan
Administrative Law Judge

LJ/tm

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
Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089
**MDHHS-Macomb-20-
Hearings@michigan.gov**

Interested Parties
M. Schaefer
EQADHearings
BSC4

Via-First Class Mail :

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