



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  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: March 4, 2024  
MOAHR Docket No.: 23-009843  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle Nuccio**

### **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 February 20, 2024. Petitioner appeared and represented himself. Petitioner's understanding of the hearing was facilitated by Arabic interpreter, [REDACTED]. [REDACTED] The Department of Health and Human Services (MDHHS) was represented by Rebecca Scott, Eligibility Specialist.

### **ISSUE**

Did MDHHS properly close Petitioner's Medical Assistance/Medicaid (MA) case?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Under the Families First Coronavirus Response Act (FFCRA), PL 116-127, Michigan received additional federal MA funding during the COVID-19 pandemic health emergency (PHE).
2. As a condition for receiving the increased funding, § 6008 of the FFCRA required that MDHHS provide continuous MA coverage for individuals who were enrolled in MA on or after March 18, 2020, even if those individuals became ineligible for MA for reasons other than death, residing outside of Michigan, or requesting that MA be discontinued.

3. The MA continuous coverage requirement under § 6008 of the FFCRA was not indefinite.
4. The Consolidated Appropriations Act, 2023 (CAA, 2023), PL 117-328, terminates the continuous coverage requirement effective March 31, 2023.
5. Beginning April 1, 2023, the CAA, 2023 required MDHHS to reevaluate almost all MA recipients' eligibility for ongoing MA.
6. Petitioner is an ongoing MA recipient.
7. Petitioner is a recipient of Medicare.
8. On November 27, 2023, MDHHS issued a Healthcare Coverage Determination Notice to Petitioner, informing him that he was approved for Plan First MA, effective September 1, 2023. (Exhibit A, pp. 7-12).
9. On December 1, 2023, MDHHS issued a Healthcare Coverage Determination Notice to Petitioner, informing him that he was approved for the Medicare Savings Program (MSP)–QMB to pay his Medicare insurance premium (Exhibit A, pp. 13-17).
10. On December 11, 2023, MDHHS received Petitioner's timely submitted hearing request disputing the MA coverage he was approved to receive (Exhibit A, pp. 4-5).

### **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).

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.

Starting April 1, 2023, ongoing MA eligibility must be renewed. For MA beneficiaries whose MA eligibility is based on their Modified Adjusted Gross Income (MAGI)-based income, MA must be renewed once every 12 months and no more frequently than once every 12 months. 42 CFR 435.916(a)(1). For MA beneficiaries whose MA eligibility is not based on their MAGI-based income, MA eligibility must be redetermined at least

every 12 months. 42 CFR 435.916(b). Any renewal form or notice must be accessible to persons who are limited English proficient and persons with disabilities. 42 CFR 435.916(f)(2).

In conducting this renewal or redetermination, MDHHS must check available information and data sources to attempt to redetermine eligibility before contacting the beneficiaries. 42 CFR 435.916(a)(2) and (b), 435.948, and 435.949. Before concluding that an individual is ineligible for MA, MDHHS must evaluate the individual's eligibility for MA on all bases for MA coverage, including the Medicare Savings Programs. 42 CFR 435.916(f)(1).

Upon reviewing Petitioner's eligibility criteria at redetermination, MDHHS concluded that Petitioner is approved for Plan First MA due to failure to return verification of bank account information. Petitioner disputes the change in his MA coverage. In his hearing request, Petitioner disputed that his adult son was approved for Emergency Services Only (ESO) MA due to his citizenship status. MDHHS testified that this was an error and Petitioner's son now has full MA coverage. Petitioner no longer disputes any household members' MA coverage.

MDHHS testified that Petitioner was approved for Plan First MA pending verification of his assets, specifically his bank account balances. Assets are considered in determining eligibility for Supplemental Security Income (SSI)-Related MA programs. BEM 400 (January 2022), p. 1. SSI-Related MA categories include MA benefits for people who are age 65 or older, blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (January 2021), p. 1. Since Petitioner is aged and disabled, he may be eligible for SSI-Related MA benefits. Petitioner is married and therefore a group size of two. The SSI-related MA asset limit for a group size of two is \$3,000.00. BEM 400, p. 9. Asset eligibility exists when countable assets are less than or equal to the asset limit at least one day during the month being tested. BEM 400, p. 7. Assets include cash, personal property, and real property. BEM 400, pp. 1-2. Personal property includes currency, savings/checking accounts, funeral plans, life insurance policies, and other items. BEM 400, p. 2. MDHHS is required to verify the value of countable assets at application, redetermination, and when there is a reported change. BEM 400, p. 62. Petitioner and MDHHS confirmed that while he has now submitted verification of his bank accounts, he had not at the time of MDHHS' decision. Since no verification of assets was submitted, MDHHS determined that Petitioner was eligible for limited coverage Plan First MA. Therefore, MDHHS acted in accordance with policy in determining Petitioner's MA coverage.

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 with respect to Petitioner's MA case.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.



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**Danielle Nuccio**  
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**  
Tracy Felder  
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2524 Clark Street  
Detroit, MI 48209  
**MDHHS-Wayne-41-  
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**Interested Parties**  
Wayne 41 County DHHS  
BSC4  
M. Schaefer  
EQAD  
MOAHR

**Via-First Class Mail :**

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