



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: May 7, 2024  
MOAHR Docket No.: 24-001993  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

### **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 April 8, 2024. Petitioner was present at the hearing with her husband, [REDACTED]. Petitioner's husband represented her at the hearing. The Department of Health and Human Services (Department) was represented by Shyla Coleman, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Medical Assistance (MA) coverage for Petitioner's minor child (Child)?

### **FINDINGS OF FACT**

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

1. Child was an ongoing recipient of MA coverage.
2. On November 4, 2023, the Department sent Petitioner a Redetermination form with a due date of December 4, 2023. (Exhibit A, p. 1). The redetermination was not returned to the Department.
3. On February 16, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) informing her that Child was not eligible for MA coverage effective March 1, 2024. (Exhibit A, p. 9). The HCCDN noted that Child was not eligible for MA coverage because Petitioner failed to return the redetermination form and the Department was unable to review Child's eligibility for assistance.

4. On February 26, 2024, the Department received Petitioner's request for hearing disputing the Department's actions.

### **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.

In this case, Child's MA case was closed effective March 1, 2024 because Petitioner failed to return the redetermination to the Department so it could determine Child's continued eligibility for MA. Petitioner disputes the Department's determination and the closure of Child's MA case.

For all programs, the Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2024), p. 1. The process includes a thorough review of all eligibility factors. BAM 210, p.1. For all programs, the Department 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. BAM 210, p. 8. A Redetermination form is considered complete when all sections are completed. BAM 210, p. 13. The Department sends timely notice of closure if documents are not timely returned. BAM 210, p. 18. 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.

The Department contended it properly sent Petitioner a Redetermination form for Child's MA benefits on November 4, 2023. (Exhibit A, pp. 13-21). It was not disputed that Petitioner did not return the form by the due date of December 4, 2023. Petitioner testified that she did not return the form because she did not receive it. (Exhibit A, p. 3). The Department presented Case Comments as evidence that it made several contact attempts to Petitioner after the Redetermination form was not returned (Exhibit A, p. 25). After several calls and emails, the Department spoke with Petitioner and verified her address as correct.

The evidence established that the Department properly sent Petitioner a Redetermination form for MA benefits and that Petitioner failed to return the form before the end of the benefit period ending after February 2024. Thus, the Department properly

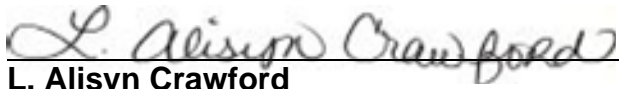
terminated Petitioner's Child MA eligibility beginning March 1, 2024. The Department advised Petitioner to reapply for coverage for Child and mailed Petitioner an application on March 4, 2024 with return postage. (Exhibit A, p. 25).

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 closed Child's MA eligibility due to failure to return redetermination form.

**DECISION AND ORDER**

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

LC/ml

  
**L. Alisyn Crawford**  
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**

Jeanenne Broadnax  
Wayne-Taylor-DHHS  
25637 Ecorse Rd.  
Taylor, MI 48180

**MDHHS-Wayne-18-Hearings@michigan.gov**

**Via First Class Mail:**

**Interested Parties**

BSC4  
M Schaefer  
EQAD

**Petitioner**

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