



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]
MI [REDACTED]

Date Mailed: April 23, 2024
MOAHR Docket No.: 24-002152
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 April 11, 2024. Petitioner did not participate. [REDACTED] Petitioner's father, testified and participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Lori Turner, specialist.

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 December 4, 2023, MDHHS mailed Petitioner a Redetermination form to continue MA benefits. The due date to return the form was January 4, 2024.
2. On various dates in January 2024, MDHHS sent texts and emails to Petitioner's mother stating that Petitioner's benefits would end because a Redetermination form was not received.

3. On February 16, 2024, MDHHS initiated termination of Petitioner's Medicaid and Medicare Savings Program (MSP) eligibility beginning March 2024 due to Petitioner's failure to return a Redetermination form.
4. On February 27, 2024, Petitioner requested a hearing to dispute the closure of MA benefits.
5. As of February 27, 2024, 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's AHR requested a hearing to dispute a termination of Petitioner's Medicaid and MSP benefits. Exhibit A, p. 3. A Health Care Coverage Determination Notice dated February 16, 2024, stated that Petitioner's MA eligibility would end March 2024 due to a failure to return to MDHHS a Redetermination form. Exhibit A, pp. 9-12.

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, 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 MA benefit 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 testified it mailed Petitioner a Redetermination form on December 4, 2023. Exhibit A, pp. 13-21. It was not disputed that Petitioner failed to return the Redetermination form to MDHHS as of the hearing request date.

Petitioner's AHR testified that the Redetermination form was not received. If Petitioner did not receive the form, the fault does not appear to lie with MDHHS. The Redetermination form listed Petitioner's AHR's proper mailing address. Further,

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

MDHHS credibly testified that the form was “central” printed. A central printing is a mailing prepared by automation which minimizes the possibility of a mailing error by MDHHS.

In further support of MDHHS, MDHHS sent multiple reminders to Petitioner’s AHR’s spouse that the Redetermination form was not received. The reminders were verified by case comments stating that 5 emails and 5 texts were sent stating the Redetermination form was not received. Exhibit A, p. 22. Petitioner’s AHR could not deny the texts and emails were not received because the email address and text number belonged to his spouse and that it is rarely checked.

The evidence established that MDHHS properly mailed Petitioner a Redetermination form. The evidence did not establish that Petitioner did not receive the Redetermination form. Additionally, the evidence established that Petitioner did not timely return the Redetermination form. Given the evidence, MDHHS properly terminated Petitioner’s Medicaid and MSP eligibility beginning March 2024. As discussed during the hearing, Petitioner’s recourse is to reapply for MA 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 Medicaid and MSP eligibility beginning March 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
Administrative Law Judge

² Petitioner may still be entitled to “subsequent processing” if a Redetermination form is soon returned to MDHHS. 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 case closure.

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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
**MDHHS-Wayne-17-
hearings@michigan.gov**

Interested Parties
Wayne 17 County DHHS
BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

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