



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]
[REDACTED], MI [REDACTED]

Date Mailed: July 5, 2024
MOAHR Docket No.: 24-005008
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 on June 12, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Jennifer Richard, supervisor.

ISSUES

The issue is whether MDHHS properly determined 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. As of March 2024, Petitioner was an ongoing recipient of MA benefits on a case with an unspecified head of household.
2. On [REDACTED] [REDACTED] 2024, Petitioner submitted to MDHHS an application for MA benefits which reported to MDHHS a change in address and household members.
3. On March 19, 2024, MDHHS denied Petitioner's application due to Petitioner receiving ongoing MA benefits.

4. On March 26, 2024, MDHHS terminated Petitioner's MA eligibility beginning May 2024 due to Petitioner not residing with the program group.
5. On [REDACTED] 2024, Petitioner reapplied for MA benefits.
6. On April 26, 2024, Petitioner requested a hearing to dispute MA eligibility.
7. As of April 26, 2024, Petitioner's application dated [REDACTED] 2024, was pending.

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 unspecified actions concerning MA eligibility. Exhibit A, pp. 4-6. Petitioner applied for MA benefits on March 18, 2024.¹ Exhibit A, pp. 9-14. As of March 18, 2024, MDHHS credibly testified that Petitioner received ongoing MA benefits. Accordingly, MDHHS sent Petitioner a Health Care Coverage Determination Notice on March 19, 2024, stating that Petitioner's application was denied due to ongoing receipt of MA benefits. Exhibit A, pp. 21-23.

Generally, persons cannot receive duplicate MA benefits.² Thus an MA application submission is superfluous for an ongoing recipient of MA benefits. The evidence established that MDHHS properly denied Petitioner's MA application dated [REDACTED] 2024, because Petitioner received ongoing MA eligibility.³

One week after denying Petitioner's application, MDHHS terminated Petitioner's MA eligibility. A Health Care Coverage Determination Notice dated March 26, 2024, stated that Petitioner's MA eligibility would end May 2024 because Petitioner did not reside with the applicant or household. Exhibit B, pp. 1-5.

When a case is already active for program benefits and additional application(s) are received, MDHHS must review the application for changes in circumstances. BAM 110 (April 2024) p. 8. Additionally, the specialist must either complete a redetermination or deny the programs requested since they are already active. *Id.*

¹ Petitioner additionally applied for her living-together partner whose MA eligibility was not disputed.

² The narrow exceptions only occur when a person receives MA benefits from another state (see BEM 222 (October 2018)).

³ MDHHS inexplicably presented a Verification Checklist and Health Care Coverage Supplemental Questionnaire. Exhibit A, pp. 15-20. Neither document was tied to a negative action taken by MDHHS.

The evidence suggested that MDHHS updated Petitioner's MA benefit case after Petitioner's application dated [REDACTED] 2024, reported an updated address and household members. MDHHS's termination reason implies that Petitioner's reported changes justified benefit termination. MDHHS was unable to explain why a change in address or household members rendered Petitioner to be ineligible for MA benefits. A change in household members and address, by itself, is not known to be an acceptable basis for MA termination. If Petitioner's reported changes affected Petitioner's MA eligibility, then MDHHS should have redetermined Petitioner's MA eligibility rather than terminating Petitioner's benefits.

Given the evidence, MDHHS improperly terminated Petitioner's MA eligibility beginning May 2024. As a remedy, Petitioner is entitled to a reinstatement of MA benefits.⁴ Exhibit A, pp. 4-6.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's MA benefit application dated [REDACTED] 2024. Concerning the MA benefit application, the actions of MDHHS are **AFFIRMED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's MA eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reinstatement of Petitioner's MA eligibility beginning May 2024 subject to the finding that MDHHS failed to establish that it properly terminated MA benefits; and
- (2) Issue benefit supplements and notice, if any, in accordance with policy.

Concerning the termination of MA benefits, the actions taken by MDHHS are **REVERSED**.

CG/nr



Christian Gardocki

Administrative Law Judge

⁴ After MA termination, Petitioner applied for MA benefits on [REDACTED] 2024. Exhibit A, pp. 24-29. There was no evidence that MDHHS denied the application as of Petitioner's hearing request date of April 26, 2024. Thus, it is presumed that Petitioner did not dispute any actions related to the application when a hearing was requested. Petitioner can request a hearing with an updated hearing request if actions taken by MDHHS after the hearing request are disputed.

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
Kimberly Kornoelje
Kent County DHHS
121 Martin Luther King Jr St SE
Grand Rapids, MI 49507
MDHHS-Kent-
Hearings@michigan.gov

Interested Parties
BSC3
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

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