



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

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Date Mailed: July 19, 2024  
MOAHR Docket No.: 24-005683  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**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 June 20, 2024, from Lansing, Michigan. ██████████, the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator (HF).

During the hearing proceeding, the Department’s Hearing Summary packet was admitted as Exhibit A, pp. 1-32.

**ISSUE**

Did the Department properly determine Petitioner’s nephew’s eligibility for Medical Assistance (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. On February 5, 2024, a Redetermination was issued to Petitioner with a due date of March 6, 2024. The form notes that MA will end if the form is not submitted. (Exhibit A, pp. 6-8)
2. On April 19, 2024, a Health Care Coverage Determination Notice was issued to Petitioner denying MA for Petitioner’s nephew effective May 1, 2024 based on the failure to return the Redetermination. (Exhibit A, pp. 6 and 9-11)
3. On April 30, 2024, Petitioner filed a hearing request contesting the Department’s determination. (Exhibit A, pp. 3-4)

4. On April 30, 2024, Petitioner applied for MA for himself and his nephew. (Exhibit A, pp. 6 and 12-17)

### **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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210, January 1, 2024, p. 1. 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.

In this case, on February 5, 2024, a Redetermination was issued to Petitioner with a due date of March 6, 2024. The form notes that MA will end if the form is not submitted. (Exhibit A, pp. 6-8). On April 19, 2024, a Health Care Coverage Determination Notice was issued to Petitioner denying MA for Petitioner's nephew effective May 1, 2024 based on the failure to return the Redetermination. (Exhibit A, pp. 6 and 9-11).

It was not disputed that Petitioner had not returned the Redetermination form before the April 19, 2024 determination was made. Accordingly, the determination to deny ongoing MA for Petitioner's nephew was appropriate at that time.

As discussed during the hearing, on April 30, 2024, Petitioner applied for MA for himself and his nephew. (Exhibit A, pp. 6 and 12-17). The Department was still processing that application at the time of the hearing. However, Petitioner clarified that he only wants MA for his nephew and withdrew the application for MA for himself during the hearing proceeding. (Petitioner Testimony).

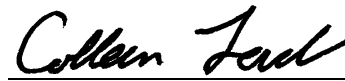
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it determined Petitioner's nephew's eligibility for MA.

**DECISION AND ORDER**

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

CL/pt



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**Colleen Lack**

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**  
Elisa Daly  
Saginaw County DHHS  
411 East Genesee  
Saginaw, MI 48607  
**MDHHS-Saginaw-Hearings@michigan.gov**

**Interested Parties**

BSC2  
M. Schaefer  
EQAD  
MOAHR

**Via-First Class Mail:**

**Petitioner**

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