



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 28, 2024
MOAHR Docket No.: 23-007648
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 January 30, 2024, from Lansing, Michigan. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Assistance Payments Supervisor (APS).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-27.

ISSUE

Did the Department properly determine Petitioner'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 August [REDACTED] 2023 a Redetermination form for MA was sent to Petitioner with a due date of September 5, 2023. This form also stated that benefits would end if the form was not submitted. (Exhibit A, pp. 5-13)
2. On August [REDACTED] 2023, Petitioner applied for MA. (Exhibit A, pp. 14-21)

3. On October █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating MA would close effective November 1, 2023 due to the Redetermination not being submitted. (Exhibit A, pp. 22-25)
4. On October █ 2023, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-4)
5. The Department acknowledged that it could have used the August █ 2023 MA application to process the MA redetermination. (Exhibit A, p. 1)
6. The Department processed the application as a redetermination from the closure date. (Exhibit A, p. 1; APS Testimony)
7. On November █ 2023, the Department send Petitioner a Verification Checklist requesting documentation of her income with a due date of November 13, 2023. (APS Testimony)
8. Petitioner's accountant did not provide the income documentation by the due date. (Petitioner Testimony)

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, October 1, 2023, 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.

Bridges allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the tenth day falls on a weekend or holiday, the verification would not be due until the next business day.

On August █ 2023 a Redetermination form for MA was sent to Petitioner with a due date of September 5, 2023. This form also stated that benefits would end if the form was not submitted. (Exhibit A, pp. 5-13). On October █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating MA would close effective November 1, 2023 due to the Redetermination not being submitted. (Exhibit A, pp. 22-25).

However, on August █ 2023, Petitioner applied for MA. (Exhibit A, pp. 14-21). The Department acknowledged that it could have used the August █ 2023 MA application to process the MA redetermination. (Exhibit A, p. 1). Accordingly, the Department has since processed the application as a redetermination from the closure date. (Exhibit A, p. 1; APS Testimony).

On November █ 2023, the Department send Petitioner a Verification Checklist requesting documentation of her income with a due date of November 13, 2023. (APS Testimony). Petitioner explained that she needed to get tax records from her accountant because she is unable to access paystubs from her employer via the online portal. However, Petitioner acknowledged that her accountant had a family emergency and did not provide the income documentation by the due date. (Petitioner Testimony). Therefore, the Department was unable to reinstate Petitioner's MA benefits. The APS testified that MA benefits are active for the children.

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 eligibility for MA upon processing the August █ 2023 MA application for the redetermination. The Department properly requested needed verifications, which were not submitted. Therefore, the Department did not have the needed information to determine Petitioner's eligibility for the redetermination.

DECISION AND ORDER

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

CL/dm



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
Jared Ritch
Oakland County Pontiac-Woodward
Dist.
**MDHHS-Oakland-District-IV-
Hearings@michigan.gov**

SchaferM

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MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]