



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

██████████
████████████████████
██████████ MI ██████████

Date Mailed: March 21, 2024
MOAHR Docket No.: 24-000006
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 27, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by LaTonya Montgomery. Department Exhibit 1, pp. 1-18 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) case for failing to return redetermination paperwork?

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 October 9, 2023, redetermination paperwork was sent to Petitioner.
2. On November 3, 2023, Petitioner submitted a Health Care Coverage Supplemental Questionnaire but did not submit other required paperwork.
3. On December 15, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her MA was closing December 31, 2023, for failing to return redetermination paperwork.
4. On January 2, 2024, Petitioner requested a hearing disputing the closure of MA.

5. Petitioner reapplied in January 2024 for MA and was approved for MA-Plan First.
6. Petitioner also had a deductible Medicaid case that was pending for asset verifications.

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.

VERIFICATIONS DEADLINE

FIP, SDA, CDC and MA

Verifications are due the same date as the redetermination/review interview. When an interview is not required, verifications are due the date the packet is due. 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. MAGI Medicaid beneficiaries have 30 calendar days to return the pre-populated renewal form. Bridges gives timely notice of the negative action if the time limit is not met. BAM 210

In this case, on October 9, 2023, redetermination paperwork was sent to Petitioner. Petitioner completed and returned a Health Care Coverage Supplemental Questionnaire on November 3, 2023, but did not return the other paperwork prior to the deadline. Petitioner did not request an extension. On December 15, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her MA case would be closing December 31, 2023, for failing to submit redetermination paperwork. The Department closure for failing to return redetermination paperwork was proper and correct and consistent with Department policy. BAM 210

Petitioner reapplied and was approved for MA-Plan First. At the time of hearing, Petitioner's MA deductible case was pending for asset verifications. Petitioner explained what the status was of the bank accounts the Department had requested verifications for. It was explained that Petitioner could request another hearing if she was dissatisfied with


the Department action regarding her subsequent applications, but the December closure was the only issue that the hearing would be addressing.

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 Petitioner's MA case for failing to return redetermination paperwork.

DECISION AND ORDER

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

AM/cc



Aaron McClintic
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 :

Interested Parties

MDHHS-Macomb-20-Hearings
BSC4-HearingDecisions
EQADHearings
M. Schaefer
MOAHR

Via-First Class Mail :

Petitioner

██████████
████████████████████
██████████ MI ██████████