



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

Date Mailed: May 31, 2024
MOAHR Docket No.: 24-002063
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 May 6, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing recipient of MA under the Healthy Michigan Plan (HMP),
2. On December 4, 2023, the Department mailed Petitioner a redetermination form to assess her eligibility for continued MA coverage. The due date for Petitioner to return the form was January 3, 2024. (Exhibit A, pp. 9-17).
3. On February 16, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) informing her that she was no longer eligible for MA benefits effective March 1, 2024 due to her failure to return the redetermination form. (Exhibit A, pp. 18-20).
4. On February 26, 2024, Petitioner requested a hearing to dispute the closure of her MA benefits.

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 closed Petitioner's MA case effective March 1, 2024 because Petitioner failed to complete her redetermination paperwork. (Exhibit A, p. 1). Petitioner disputes the Department's closure of her MA case. (Exhibit A, pp. 3-4).

For all programs, the Department must periodically determine or renew an individual's eligibility for active programs. BAM 210 (January 2024), p. 1. Generally, the Department redetermines benefits every 12 months. BAM 210, p. 3. The redetermination/renewal process includes a thorough review of all eligibility factors. For all programs, the Department 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. BAM 210, p. 8. A Redetermination form is considered complete when all sections are completed. BAM 210, p. 11. The Department sends timely notice of closure if documents are not timely returned. BAM 210, p. 17. 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.

Here, Petitioner had MA coverage under HMP, which is a Modified Adjusted Gross Income (MAGI)-related MA program. If MAGI-based MA is terminated at renewal for failure to return the renewal form or other needed and requested documentation, the Department must reconsider the individual's eligibility without requiring a new application if the renewal form and/or requested information is returned within 90 days after the date of termination. BAM 205 (January 2022), p. 1; 42 CFR 435.916(a)(3)(iii) and (b).

The Department mailed Petitioner a redetermination form for MA benefits on December 4, 2023. (Exhibit A, pp. 9-17). It was not disputed that Petitioner did not return to the redetermination form to the Department by the redetermination due date of January 3, 2024. The Department contended that Petitioner's failure to return the redetermination form before the end of the MA benefit period expiration on March 1, 2024 justified the closure of Petitioner's MA case.

However, following her request for hearing, Petitioner informed the Department that she never received the redetermination form and the Department resent the form to her. Petitioner indicated, and the Department confirmed, that she completed the redetermination form and returned it to the Department in March 2024, following the closure of her MA case. When questioned, the Department testified that it had not reviewed the redetermination since Petitioner returned it following the due date and after Petitioner's MA case was closed.

Because Petitioner had MAGI-related MA coverage and returned the redetermination form with 90 days of its due date, the Department should have reviewed and processed it.

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 did not act in accordance with Department policy when it closed Petitioner MA case for failure to return the Redetermination form.

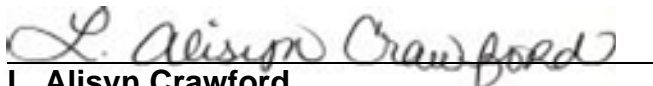
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Process the redetermination form submitted by Petitioner in March 2024.
2. If eligible, provide Petitioner with the most beneficial MA coverage she is eligible to receive for March 1, 2024 ongoing; and
3. Notify Petitioner in writing of its decision.

LC/ml


L. Alisyn Crawford
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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
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Interested Parties
BSC4
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Via First Class Mail:

Petitioner
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[REDACTED] MI [REDACTED]