



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 21, 2024
MOAHR Docket No.: 24-005798
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 July 24, 2024, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Dina Ani and Lisa Angel. Department Exhibit 1, pp. 1-46 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Freedom to Work Medicaid (MA-FTW) for failing to pay premium?

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 January 1, 2024, a letter was sent to Petitioner instructing him to pay his MA-FTW premium in the amount of \$ [REDACTED]
2. Petitioner testified that he sent in a check for the January 2024 premium. No payment for January 2024 was processed.
3. On January [REDACTED] 2024, a letter was sent to Petitioner instructing him to pay \$ [REDACTED] towards his FTW premium.
4. On February [REDACTED] 2024, a letter was sent to Petitioner instructing him to pay his MA-FTW premium in the amount of \$ [REDACTED]

5. On February █ 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing him he was eligible for MA-FTW with a \$█ deductible.
6. On March █, 2024, a letter was sent to Petitioner instructing him to pay his MA-FTW premium in the amount of \$█
7. On March █ 2024, premium was not received for January 2024 and the case was processed for closure effective April 1, 2024.
8. On May 14, 2024, Petitioner requested hearing disputing the closure of MA-FTW.

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.

PREMIUM PAYMENT

There are no premiums for individuals with MAGI (Modified Adjusted Gross Income) income less than 138 percent of the federal poverty level (FPL). • A premium of 2.5 percent of their income will be charged for an individual with MAGI income between 138 percent of the FPL and \$75,000 annually. • A premium of 100 percent of the average FTW participant cost will be assessed for an enrolled individual with MAGI income over \$75,000. Bridges will automatically notify the premium coordinator when premiums for a FTW participant start/change/end. The premium coordinator has final determination over actual premium begin or amount change dates, as well as premium exclusions. Nonpayment of premium is automatically sent to Bridges and mass update will close the Freedom to Work category. BEM 174 (January 2020)

In this case, Petitioner testified that he submitted a check by mail for payment of his January FTW premium prior to the deadline. On January █ 2024, Petitioner received a letter informing him that he owed 2 months premium. Petitioner reviewed his bank account records and confirmed that his January check was never processed. It appears that the January check was lost in the mail. On March █ 2024, Petitioner received a letter informing him that he owed 3 months premium. Petitioner did not make the catch-up payments prior to the deadline and his MA-FTW closed effective March █ 2024,

pursuant to Department policy. BEM 174 Petitioner was given ample opportunity to make his premium payments and was clearly instructed what was required of him to maintain the coverage. Petitioner was able to confirm that his January 2024 was check was lost and had a chance to catch up that payment to avoid having his case close. Petitioner did not ensure that his premium payments were current, and his case closed, that action by the Department was proper and correct and consistent with Department policy.

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-FTW for failing to pay premium.

DECISION AND ORDER

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

AM/dm



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 :

DHHS
Kimberly Kornoelje
Kent County DHHS
MDHHS-Kent-
Hearings@michigan.gov

SchaeferM

EQADHearings

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]