



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] MI [REDACTED]

Date Mailed: October 22, 2024  
MOAHR Docket No.: 24-009695  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

**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 September 26, 2024, from Detroit, Michigan. Petitioner is deceased. The hearing was requested by Petitioner's wife [REDACTED] who will be referred to as the Petitioner for purposes of this Hearing Decision. [REDACTED] served as Petitioner's Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by Tanya Gillard, Assistance Payments Supervisor and Alana Brown, Assistance Payments Worker.

**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 benefits.
2. In connection with a redetermination/renewal, Petitioner's eligibility to continue receiving MA benefits was due for review.
3. On or around April 4, 2024, the Department sent Petitioner a redetermination/renewal for her MA case that was to be completed and returned by May 6, 2024. (Exhibit A, pp. 6-14)
4. The Department asserted that Petitioner failed to complete and return the redetermination/renewal for her MA case.

5. On or around June 17, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice advising her that effective July 1, 2024, her MA case would be closed because she failed to return the redetermination. (Exhibit A, pp. 15-16)
6. On or around August 16, 2024, Petitioner requested a hearing disputing the closure of her MA case.

### **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 a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. For MA cases, a redetermination is an eligibility review based on a reported change. A renewal is the full review of eligibility factors completed annually. The renewal month is 12 months from the date the most recent complete application was submitted. BAM 210 (October 2023), pp. 1-4. For MA cases, benefits stop at the end of the benefit period unless a renewal is completed, requested verifications are received and a new benefit period is certified. BAM 210, pp. 3-5. The Department will provide the client with timely notice of the negative action if the time limit is not met. BAM 210, p. 14. The Department will send a DHS-1606, Health Care Coverage Determination Notice, which details the information used to determine eligibility. BAM 210, p. 19-20.

In this case, Petitioner requested a hearing disputing the closure of her MA case effective July 1, 2024. At the hearing, the Department representative testified that Petitioner's MA eligibility was due for review. The Department testified that because Petitioner failed to submit a completed redetermination/renewal form by the May 6, 2024, deadline, the Department was unable to review her continued MA eligibility, and initiated the closure of her case by sending the Health Care Coverage Determination Notice on June 17, 2024, advising her of the MA case closure effective July 1, 2024. The Department representative testified that there was no completed redetermination submitted within the

90 days of the case closure and as of the hearing date, still no redetermination or application submitted.


Petitioner's AHR testified that Petitioner did not receive the redetermination form which is why she did not complete and return the redetermination. Petitioner's AHR asserted that Petitioner moved and had a change in mailing address in June 2022. Petitioner's AHR testified that he contacted the Department to report a change in mailing address, however, no specific information was provided as to when the contact was made and Petitioner's AHR confirmed that a written change was not submitted. It was also unclear based on the AHR's testimony whether the change in address was reported to Petitioner's health plan or to the Department. The Department reviewed Petitioner's electronic case file and case comments and testified that the last change of address received was in May 2019. There was no evidence that the redetermination was returned to the Department as undeliverable by the United States Postal Service.

Upon review, because Petitioner failed to timely complete and return the redetermination form to the Department, 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. Petitioner was informed that she is entitled to submit a new application for MA benefits and her eligibility will be reviewed.

#### **DECISION AND ORDER**

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

ZB/ml

  
\_\_\_\_\_  
**Zainab A. Baydoun**  
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**

Caryn Jackson  
Wayne-Hamtramck-DHHS  
12140 Joseph Campau  
Hamtramck, MI 48212  
**MDHHS-Wayne-55-Hearings@michigan.gov**

**Interested Parties**

BSC4  
M Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

**Authorized Hearing Rep.**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]