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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

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: January 3, 2025
MOAHR Docket No.: 24-010438
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on December 4, 2024, via teleconference. Petitioner appeared and represented himself. [REDACTED] appeared as a witness for Petitioner. Colleen McKenna appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted into evidence at the hearing as MDHHS Exhibit A, pp. 1-21.

ISSUE

Did MDHHS properly terminate Petitioner's Medicare Savings Program (MSP) benefits?

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 MSP benefits.
2. On March 4, 2024, MDHHS sent Petitioner a redetermination packet for MSP (Exhibit A, p. 10). The deadline for returning the redetermination packet to MDHHS was April 4, 2024 (Exhibit A, p. 10). MDHHS did not receive the redetermination packet from Petitioner prior to the deadline.
3. On June 17, 2024, MDHHS sent Petitioner a Health Care Coverage Determination Notice indicating that he was not eligible for MSP benefits, effective July 1, 2024 ongoing, because he did not return the redetermination packet (Exhibit A, p. 19).
4. On September 6, 2024, Petitioner requested a hearing (Exhibit A, pp. 1-21).

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).

Medicaid (MA) 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. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Medicare is a federal program administered by the Social Security Administration (SSA). BAM 810 (January 2020), p. 1. MSP is a state program administered by MDHHS in which the state pays an eligible client's Medicare premiums, coinsurances, and deductibles. BEM 165 (October 2022), pp 1-2; BAM 810, p. 1. All eligibility factors for the program must be met in the calendar month being tested. BEM 165, p. 2. There are three MSP categories: (1) QMB (Qualified Medicare Beneficiary), which pays for a client's Medicare premiums (both Part A, if any, and Part B), Medicare coinsurances and Medicare deductibles; (2) Specified Low-Income Medicare Beneficiaries (SLMB), which pays for a client's Medicare Part B premiums; and (3) Additional Low Income Medicare Beneficiaries (ALMB), which pays for a client's Medicare Part B premiums when funding is available. BEM 165, pp. 1-2. Clients must be entitled to Medicare Part A to be eligible for the program. BEM 165, pp. 5-6.

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2024), p. 1. The redetermination/renewal process includes thorough review of all eligibility factors. *Id.* Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. *Id.*

In this case, MDHHS terminated Petitioner's MSP benefits because he did not return the redetermination packet by the deadline. Petitioner did not dispute that he did not return the redetermination packet by the deadline but testified that he had problems receiving his mail and that he may not have received it or that he might have received it late. As a recipient of program benefits, Petitioner has an obligation to provide MDHHS with a valid mailing address. No evidence was presented to show that Petitioner informed MDHHS that he did not receive the packet prior to the deadline or that he provided MDHHS with an alternate mailing address, such as a P.O. Box. No evidence was submitted to show that Petitioner attempted to contact MDHHS to remedy the situation. No evidence was presented to show that Petitioner informed MDHHS that he needed assistance. Accordingly, MDHHS had no reason to know that Petitioner did not receive its correspondence or that he needed additional assistance in completing the

redetermination process. Petitioner was advised that he could submit a new application for MSP benefits at any time.

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 MDHHS acted in accordance with Department policy when it terminated Petitioner's MSP benefits.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/pt



Linda Jordan
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

Melissa Robinson
Midland County DHHS
1509 Washington, Ste. A
PO BOX 1609
Midland, MI 48641

MDHHS-Midland-Hearings@michigan.gov

Interested Parties

BSC2
M. Schaefer
EQAD
MOAHR

Via-First Class Mail:

Petitioner

[REDACTED]
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