



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: January 3, 2025
MOAHR Docket No.: 24-012550
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 December 5, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Jerica Hall. Department Exhibit 1, pp. 1-17 was received and admitted. Petitioner's Exhibit A & B were also received and admitted.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) following the issuance of a Decision and Order?

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 February 7, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was not eligible for MA effective March 1, 2024.
2. On May 29, 2024, a Decision and Order was issued by MOAHR affirming the closure of Petitioner's MA case.
3. On June 12, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing her that household member Kenedi Bouck was approved for MA-HMP.
4. On July 22, 2024, Petitioner requested a hearing raising issues with regard to her "health care coverage termination date". (Ex. 1, pp. 4-5)

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.

In this case, Petitioner was given notice that her MA case was closing effective March 1, 2024. Petitioner contested that closure and a hearing was held on May 16, 2024. A decision and order was issued on May 29, 2024, affirming the Department determination that Petitioner was not eligible for MA-HMP. Nothing in policy required that the Department issue a new Health Care Coverage Determination following the issuance of the Decision and Order.


Petitioner believed that the Department was required to issue a Health Care Coverage Determination following the issuance of the Decision and Order so that she would be able to show her employer when her Medicaid coverage ended and she would be able to obtain health insurance through her employer prior to the yearly open enrollment period. Petitioner did not cite any policy to support her position.

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 her MA case based on the Decision and Order issued on May 29, 2024.

DECISION AND ORDER

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

AM/ml


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

Jerica Hall
Montcalm County DHHS
609 North State Street
PO Box 278
Stanton, MI 48888

MDHHS-Montcalm-Hearings@michigan.gov

Interested Parties

BSC3
M Schaefer
EQAD
MOAHR

Via First Class Mail:

Petitioner

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