

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg No: 2010-12505

Issue No: 2026

Case No:

Load No:

Hearing Date:

January 27, 2010

Eaton County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from [REDACTED] on January 27, 2010.

ISSUE

Whether the Department properly computed the Claimant's Medical Assistance (MA) eligibility?

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 October 24, 2009, the Department sent Claimant a Notice of Case Action which stated that her deductible had been met in July and August 2009, had not been met in September or October 1-11, 2009, had been met October 12-31, 2009 and that she had a deductible for November 2009 going forward. (Exhibits 4-9)

(2) Medical Expense documentation provided by the Department does not appear to match up with the Notice of Case Action. For example, the Notice of Case Action states that Claimant did not meet the deductible for September, but the Medical Expenses – Summary shows that Claimant incurred over [REDACTED] in expenses in September 2009 which were entered into the system by the Department in September 2009.

(Exhibits 10-16)

(3) On November 12, 2009, the Department received Claimant’s hearing request.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Claimant and the Department both agreed at hearing that there has been an issue with Claimant’s MA case since March 2009 involving whether or not she had met her deductible each month. Specifically, Claimant has medical needs which cause her to meet her deductible each month. However, since March, Claimant has been receiving one Notice of Case Action informing her that she has met her deductible for a certain month and then a second Notice of Case Action informing her that she has not met it for the same month and all that has happened is the passage of time and some additional bills having been entered into the system by the Department. The Department stated that they

had not seen this issue in any other case and that it appeared to be a “Bridges” issue. The Department was given time to investigate the situation and to inform the undersigned “that the Department’s actions were correct and here’s why or the Department’s actions were incorrect, here’s why and this is what will done to correct it”. At the time of this writing, the undersigned has not received any further information from the Department.

The month at issue from the October 24, 2009 Notice of Case Action is September 2009, however, neither the Department or Claimant could testify with any degree of certainly as to the current status of whether Claimant had or had not met her deductible in March-June 2009 given that there have been so many changes. It is also unknown whether Claimant’s deductible status for July, August and October 2009 has or will change in the future as a result of the same “Bridges” issue.

With the above said, based on the testimony and documentation offered at hearing, I do not find that the Department established that it acted in accordance with policy in computing Claimant’s MA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in computing Claimant’s MA eligibility.

Accordingly, the Department’s MA eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Initiate an investigation of Claimant’s MA case for 2009 including making a detailed determination of whether or not Claimant has met her deductible in each

month. The Department is to “submit a ticket to the central office”, if necessary, to investigate/resolve the issue.

- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department’s revised determination(s).
- (4) Claimant retains the right to request a hearing if she would like to contest the Department’s revised determination(s).

/s/
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 18, 2010

Date Mailed: February 18, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SMB/db

cc:

