

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201347613
Issue No: 2015
Case No: [REDACTED]
Hearing Date: July 18, 2013
DHS Healthy Kids/Plan 1st

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received by the Department of Human Services (department) on May 15, 2013. After due notice, a three-way telephone hearing was held on July 18, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], an assistance payments supervisor with the department's Healthy Kids/Plan First office.

ISSUE

Whether the Department of Human Services (department) properly determined Claimant's eligibility for Plan First Medical Assistance (MA) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On April 15, 2013, Claimant applied for MA benefits for himself. In his application, Claimant indicated that he was applying for the Plan First Program. (Department Exhibit 1)
2. On May 2, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), advising Claimant that he did not qualify for the Plan First Program as it is a program for women ages 19 thru 49. (Department Exhibit 2)
3. On May 15, 2013, Claimant submitted a hearing request, contesting the department's denial of his application for MA benefits. (Request for Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Medical Assistance (MA) program was 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 Program Reference Manual (PRM).

The Medicaid program is comprised of several sub-programs or categories. The Plan First Family Planning Program is a health coverage program operated by the Department of Community Health (DCH). Plan First will enable DCH to provide family planning services to women who would not have coverage for these services and do not have other comprehensive health insurance. The program is administered by the centrally located Plan First Unit. All eligibility factors in this item must be met. All nonfinancial eligibility factors must be met in the calendar month being tested.

Department policy, specifically BEM 124, provides that the Plan First! Program is for non-pregnant women who are:

- 19-44 years of age, and

- Not currently covered by Medicaid or Adult Medical Program (AMP), and

- Not covered by any other comprehensive health insurance, and

- Have family income at or below 185% of the federal poverty level, and

- Meet Michigan residency requirements, and

- Meet Medicaid citizenship requirements.

In this case, at the July 18, 2013 hearing, Claimant acknowledged his understanding that he did not meet the eligibility factors for this program and that it was a misunderstanding on his part to have applied for the Plan First Program.

Consequently, the Administrative Law Judge finds that, based on the competent, material, and substantial evidence presented during the hearing, the department acted in accordance with policy in denying Claimant's April 15, 2013 application for MA Plan First Program benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in denying Claimant's April 15, 2013 application for MA Plan First Program benefits. Accordingly, the department's actions are **UPHELD**.

It is SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 24, 2013

Date Mailed: July 24, 2013

NOTICE: Michigan Administrative Hearings System (MAHS) 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 Order. MAHS 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 this Order to Circuit Court within 30 days of the receipt of the Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.

- A reconsideration **MAY** be granted for any of the following reasons:
 - Misapplication of manual policy or law in the hearing decision,
 - Typographical errors, mathematical errors, or other obvious errors in the hearing decision that effect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative Hearings System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/aca

cc:

