

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

IN THE MATTER OF:



Reg. No.: 14-004416
Issue No.: 2001
Case No.: 116557039
Hearing Date: AUGUST 6, 2014
County: WAYNE-DISTRICT 17

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant'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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on August 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist, and [REDACTED], translator.

ISSUE

Did the Department properly convert Claimant's children's full-coverage Medical Assistance (MA) cases to Emergency Services Only (ESO)?

Did the Department properly close Claimant's 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. Claimant and his family are ongoing recipients of MA.
2. Claimant was receiving MA under the Group 2 Caretaker/Relative (G2C) program and his children were receiving full-coverage MA under the Other Healthy Kids (OHK) program.
3. On May 10, 2014, the Department sent Claimant a Health Care Coverage Determination Notice (HCC Notice) concerning him and his four minor children.

4. On May 30, 2014, Claimant filed a request for hearing disputing the Department's actions concerning his children's MA coverage and concerning the calculation of his MA deductible.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of 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 Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Additionally, on May 10, 2014, the Department sent Claimant an HCC Notice notifying him of changes in his and his children's MA cases. Claimant requested a hearing to dispute the conversion of his children's MA cases to ESO and the calculation of his deductible.

The Department did not present any evidence concerning the calculation of Claimant's MA deductible. However, it appears from the May 10, 2014 HCC Notice that Claimant's MA case was closed effective June 1, 2014 because he was "not under 21, pregnant, or a caretaker of a minor child in [his] home . . . not over 65 (aged), blind, or disabled." The case-search/summary printout from the Department's computer system supports this conclusion. Therefore, at the time Claimant requested a hearing on May 28, 2014, he had been notified that his MA case was closing. The Department acknowledged that Claimant was the caretaker of minor children in the home and was eligible for MA on that basis. Therefore, the Department did not act in accordance with Department policy to the extent it closed Claimant's MA case, and it did not satisfy its burden of showing that it acted in accordance with Department policy in calculating his MA deductible to the extent he has an ongoing MA deductible case.

With respect to the children's MA cases, the May 10, 2014 HCC Notice does not clearly identify what changes were made to the children's cases. However, the Department testified that, effective June 1, 2014, the MA coverage for the four children then in Claimant's household (Claimant's fifth child was born on July 20, 2014 and therefore not affected by the May 10, 2014 HCC Notice) changed from full-coverage to ESO.

To be eligible for full MA coverage, a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225 (July 2014), p. 2. Claimant

testified that his children arrived from [REDACTED] in [REDACTED]. They were permanent resident aliens until [REDACTED] when they became U.S. citizens. The Department did not dispute Claimant's testimony that his children were U.S. citizens. Under these facts, the children were not limited to ESO coverage. See BEM 255, pp. 2, 5.

At the hearing, the Department acknowledged that the four children listed in the May 10, 2014 HCC Notice were eligible for full-MA coverage but testified that, because of a glitch in its computer system, their coverage had been improperly converted to ESO. The Department testified that it had issued a ticket to Lansing to have the matter resolved but, as of the hearing date, the coverage issue had not yet been remedied and the children continued to receive ESO coverage. Under the facts presented, the Department did not act in accordance with Department policy when it converted the children's coverage to ESO and has failed to remedy this issue.

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 did not act in accordance with Department policy when it converted Claimant's children's MA coverage from full-coverage to ESO and closed Claimant's MA case.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's MA case and his children's full-coverage MA cases effective June 1, 2014;
2. Recalculate Claimant's MA deductible, if applicable;
3. Provide Claimant and his children with MA coverage they are eligible to receive from June 1, 2014 ongoing.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/18/2014**

Date Mailed: **8/18/2014**

ACE / tf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

cc:

