

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-002692
Issue No.: 2000; 2010
Case No.: [REDACTED]
Hearing Date: September 10, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on September 10, 2014, from Detroit, Michigan. Participants included the above-named Claimant, [REDACTED], Specialist, and [REDACTED] [REDACTED] Manager, testified on behalf of the Department of Human Services (DHS).

ISSUES

The first issue is whether DHS properly denied Claimant's Healthy Michigan Plan (HMP) application due to excess income.

The second issue is whether Claimant is entitled to an administrative remedy for a complaint about treatment by DHS.

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 [REDACTED], Claimant applied for Healthy Michigan Plan (HMP) benefits.
2. On an unspecified date, DHS requested various verifications from Claimant.
3. On [REDACTED], Claimant submitted the requested verifications to DHS.
4. On [REDACTED], DHS denied Claimant's HMP application due to Claimant's alleged failure to submit verifications.

5. On [REDACTED], DHS Claimant requested a hearing to dispute the HMP application denial and to express complaints about statements made by DHS staff.
6. On an unspecified date, DHS reinstated Claimant's HMP application dated [REDACTED].
7. On [REDACTED], DHS denied Claimant's HMP application due to excess income.

CONCLUSIONS OF LAW

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. The HMP is part of the MA program and managed by the Michigan Department of Community Health (DCH).

Claimant requested a hearing, in part, to dispute the denial of an HMP application. DHS denied Claimant's HMP application on [REDACTED] for the reason that Claimant allegedly failed to submit requested verifications. Before the hearing, DHS acknowledged that Claimant timely submitted requested verifications and that the application denial was improper. DHS should have reinstated and reprocessed Claimant's HMP application' DHS did just that.

On an unspecified date, DHS reprocessed Claimant's HMP application and determined that Claimant's household had excess income. HMP income policy is found in a DCH policy bulletin.

DCH Bulletin MSA 14-03 dated [REDACTED] states that income eligibility for HMP requires income at or below 133% of the federal poverty level under the Modified Adjusted Gross Income methodology. The DHS denial notice states that the income limit for a 2-person household whose members are aged between 19-64 is \$20,920.90. Claimant testified that she and her husband's annual income was approximately \$34,000. It is found that DHS properly denied Claimant's and her spouse's HMP eligibility.

Claimant also requested a hearing, in part, to express complaints about statements made by DHS staff involved in the processing of an MA application. Claimant did not specify what remedy she sought, but it was implied that Claimant wanted some sort of disciplinary action taken against DHS staff.

The Michigan Administrative Hearing System may grant a hearing about any of the following:

- denial of an application and/or supplemental payments;
- reduction in the amount of program benefits or service;
- suspension or termination of program benefits or service
- restrictions under which benefits or services are provided;
- delay of any action beyond standards of promptness; or
- the current level of benefits or denial of expedited service (for Food Assistance Program benefits only).

BAM 600 (7/2013), p. 3.

Claimant did not allege that any statements made by DHS staff affected her MA eligibility. The one error committed by DHS that affected Claimant's eligibility was corrected by DHS. Claimant is not entitled to any administrative remedy for alleged offensive comments. Accordingly, Claimant's hearing request will be dismissed concerning alleged comments made by DHS staff.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant is not entitled to administrative remedy for worker complaints against DHS that did not affect her benefit eligibility. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's HMP application due to excess income. The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/10/2014**

Date Mailed: **10/10/2014**

CG / hw

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:

