

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

IN THE MATTER OF:



Reg. No.: 14-010653
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: December 04, 2014
County: KENT-DISTRICT 1

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 December 4, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED] and FIM [REDACTED].

ISSUE

Did the Department properly determine Claimant's Medical Assistance eligibility on August 25, 2014?

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 was an ongoing recipient of Medicare and Medical Assistance.
2. On August 25, 2014, Claimant was sent a Health Care Coverage Determination Notice (DHS-1606) which stated: he was approved as eligible for coverage from November 1-30, 2013; he was responsible for services on November 26, 2013; and his deductible had not been met for the past three months so his Medicaid had closed.
3. On August 27, 2014, Claimant submitted a hearing request.

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.

In this case Claimant is a Medicare recipient. AS a Medicare recipient, Claimant is not eligible for HMP but is eligible for Medical Assistance under the SSI Related category. Claimant's Retirement, Survivors, Disability Income benefits are used in determining his Medical Assistance eligibility and caused him to be under a deductible.

Claimant received notice about his November 2013 Medical Assistance eligibility for the first time on the August 25, 2014 Health Care Coverage Determination Notice (DHS-1606). Claimant requested a hearing within the 90 day time limit. There is jurisdiction to address both the current closure of his Medical Assistance and his November 2013 eligibility.

The Department presented evidence which shows that Claimant did not meet his Medical Assistance deductible during June, July, and August 2014 (Pages 9 & 10). Bridges Eligibility Manual (BEM) 545 (2014) at page 11, under Deductible states:

Redetermine eligibility for active deductible cases at least every 12 months unless the group has not met its deductible within the past three months.

It was explained to Claimant that he may apply for up to three months retroactive Medical Assistance coverage at any time.

The Department testified that BRIDGES shows Claimant as eligible for Medical Assistance during November 2013. Claimant testified that in February 2014, he submitted bills for a November hospitalization. The evidence in this record is insufficient to determine what bills were received and what, if any amounts were paid for Claimant's November eligibility period.

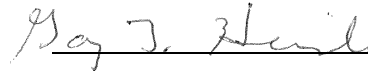
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Claimant's Medical Assistance eligibility on August 25, 2014.

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. Re-determine Claimant's Medical Assistance eligibility for November 2013 and process any bills submitted in accordance with Department policy.
2. Issue Claimant a current notice of the November 2013 Medical Assistance eligibility determination.



Gary Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/17/2014**

Date Mailed: **12/17/2014**

GFH/hj

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 48909-8139

cc:

