

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008907
Issue No.: 2001
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] testified and appeared as Claimant's authorized hearing representative (AHR). [REDACTED] Specialist, testified on behalf of the Department of Human Services (DHS).

ISSUES

The first issue is whether Claimant timely requested an administrative hearing.

The second issue is whether DHS properly determined Claimant's Medical Assistance (MA) and Healthy Michigan Plan (HMP) eligibility from an application submitted to DHS in 3/2014.

The third issue is whether Claimant provided notice of a dispute concerning an HMP application from 4/2014.

FINDINGS OF FACT

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

1. On [REDACTED], Claimant applied for MA benefits.
2. As of 3/20/14, Claimant was neither pregnant, under 21 years, over 65 years, disabled, nor a caretaker to a minor child.

3. On [REDACTED], DHS denied Claimant's MA application due to a failure to qualify for any Medicaid category.
4. On [REDACTED], Claimant requested a hearing to dispute the denial of her MA application.

CONCLUSIONS OF LAW

Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 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 Healthy Michigan Plan is a new health care program that will be administered by the Michigan Department of Community Health, Medical Services Administration. The program will be implemented as authorized under the Affordable Care Act of 2010 as codified under 1902(a)(10)(A)(i)(VIII) of the Social Security Act and in compliance with the Michigan Public Act 107 of 2013.

DHS contended that Claimant failed to timely request a hearing. The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (7/2013), p. 5.

Claimant requested a hearing on [REDACTED] to dispute an application denial for which notice was sent on [REDACTED] (see Exhibit 1). The DHS contention that Claimant failed to timely request a hearing was baseless.

Claimant requested a hearing to dispute the denial of a MA application dated [REDACTED]. DHS presented a Health Care Coverage Determination Notice (Exhibit 1) verifying that Claimant was denied due to failing to meet any MA categories.

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 (10/2010), p. 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* AMP is an MA program available to persons not

eligible for Medicaid through the SSI-related or FIP-related categories though DHS does always offer the program to applicants.

It was not disputed that Claimant did not meet any of the criteria to qualify for any Medicaid program. Accordingly, DHS properly denied Claimant for Medicaid benefits. Claimant's hearing request suggested that she was eligible for HMP benefits based on a [REDACTED] application date.

DCH Bulletin MSA 14-03 dated [REDACTED] states that HMP will begin [REDACTED]. The policy effective date is persuasive evidence that applications submitted before [REDACTED] will not be evaluated for HMP. It is found that Claimant was not entitled to receive a determination of HMP based on an application submitted to DHS on [REDACTED].

During the hearing, Claimant was warned that DHS and/or DCH policy did not support a finding that DHS erred in determining her HMP eligibility for 3/2014 or 4/2014. Claimant testified that she reapplied for HMP benefits in 4/2014.

Claimant's AHR presented a Health Coverage Determination Notice (Exhibit 2) dated [REDACTED]. The notice stated that Claimant was denied HMP benefits for 4/2014.

The denial notice was mailed before Claimant requested her hearing. Consideration was given to allow Claimant to proceed with her newly stated dispute concerning the denial of an alleged HMP application from 4/2014. It is found that such consideration is inappropriate.

The Request for Hearing determines the scope of the hearing. Claimant handwrote her hearing request and stated that she "applied for Medicaid in March... which should have been covered by Healthy Michigan". Claimant's hearing request did not reference any dispute concerning an HMP determination following 3/2014. DHS expressed concern that they were unprepared to address Claimant's complaint due to a lack of notice of the complaint. The DHS concern was reasonable and justified. It is found that Claimant failed to give notice of a complaint of HMP eligibility from 4/2014.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA application dated [REDACTED]. The actions taken by DHS are **AFFIRMED**.

Christian Gardocki

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

Date Signed: **10/7/2014**

Date Mailed: **10/7/2014**

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:

