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

IN THE MATTER OF:

Reg. No.: 14-017087 Issue No.: 2007

Case No.:

Hearing Date: March 19, 2015

County: Wayne (31-Grandmont)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 March 19, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) include

<u>ISSUE</u>

Did the Department properly calculate Claimant's payments for Medical Assistance (MA) Part B?

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 is an ongoing recipient of MA benefits.
- 2. On November 15, 2014, the Department sent Claimant a Health Care Coverage Determination Notice informing him that he was not eligible for the Medicaid Savings Program.
- 3. On November 21, 2014, Claimant requested a hearing to protest the closure of his Medicaid Savings Program.

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.

At the hearing, Claimant testified that he wished to no longer pay for Medicaid Part B coverage. Medicaid Part B is a program offered through the Social Security Administration. This Administrative Law Judge cannot act as suggested during the hearing by ending Claimant's payments for Medicaid Part B.

The Department has three different programs that pick up some or all of a recipient's costs for Medicaid Part B. RFT 242 (October 2014), p. 2.

The Department is obligated to explore all Medicaid programs in that federal law gives claimants the right to the most beneficial program. BEM 105 (October 2014), p. 2. There is no evidence that the Department explored all of the MA benefits available to Claimant.

The Administrative I aw Judge hased on the above Findings of Fact and Conclusions of

Law, and for the reasons stated on the record, if any, finds that the Department
 acted in accordance with Department policy when it . did not act in accordance with Department policy when it . failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's Medicaid Savings Program.
DECISION AND ORDER
Accordingly, the Department's decision is

□ AFFIRMED.☑ REVERSED.□ AFFIRMED IN PART with respect to and REVERSED IN PART with respect to

- 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:
- Present the Claimant with the MA programs available to him, including limited coverage QMB.

Michael J. Bennane
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: 3/30/2015

Date Mailed: 3/30/2015

MJB / pf

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

