

4. Claimant's Eligibility Summary indicated that she is receiving the Healthy Michigan Plan (HMP) – MA coverage effective July 1, 2014, ongoing. See Exhibit 1, p. 4. However, Claimant's Medicaid Eligibility indicated she received Plan First! coverage for July 2014 and HMP for August 1, 2014, ongoing. See Exhibit 1, pp. 15-16.
5. The Department indicated that it erred in providing Claimant with the proper coverage and that Claimant should have HMP coverage activated for July 2014.
6. On March 23, 2015, Claimant's AHR filed a hearing request, protesting the Department's action. See Exhibit 1, pp. 2-3 and 10-11.

CONCLUSIONS OF LAW

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

As stated above, Claimant/AHR argued that her Plan First! coverage provided by the Department was inadequate for July 2014. In response, the Department agreed that Claimant should have HMP coverage activated for July 2014; however, Claimant's Plan First! coverage keeps overriding the Department's ability to activate HMP coverage. In fact, the Department submitted a help desk ticket to change MA coverage for July 2014. See Exhibit 1, p. 17. As stated above, Claimant's Medicaid Eligibility indicated she received Plan First! coverage for July 2014 and HMP for August 1, 2014, ongoing. See Exhibit 1, pp. 15-16. The Department indicated that it erred in providing Claimant with the proper coverage and that Claimant should have HMP coverage activated for July 2014.

The Plan First! Family Planning Program is a health coverage program operated by the Department of Community Health (DCH). BEM 124 (July 2014), p. 1. Plan First! will enable DCH to provide family planning services to women who would not have coverage for these services and do not have other comprehensive health insurance. BEM 124, p. 1.

Persons may qualify under more than one MA category. BEM 105 (October 2014), p. 2. Federal law gives them the right to the most beneficial category. BEM 105, p. 2. The most beneficial category is the one that results in eligibility or the least amount of excess income. BEM 105, p. 2.

Based on the foregoing information and evidence, the Department did not act in accordance with Department policy when it did not provide Claimant with the most beneficial MA category upon processing the application. The Department agreed that Claimant should have HMP coverage activated in lieu of the Plan First! coverage. As such, the Department will activate HMP coverage for July 2014 as the Department indicated Claimant should have HMP coverage activated in lieu of the Plan First! coverage. See BEM 105, p. 2.

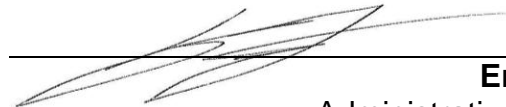
DECISION AND ORDER

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 did not provide Claimant with the most beneficial MA category for July 2014 upon processing the application.

Accordingly, the Department's MA 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. Activate Claimant's Healthy Michigan Plan (HMP) coverage for July 1, 2014 to July 31, 2014, in accordance with Department policy; and
2. Notify Claimant/AHR of its decision.



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/8/2015**

Date Mailed: **5/8/2015**

EJF/tm

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

[REDACTED]
[REDACTED]
[REDACTED]
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