

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-008159
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: July 16, 2015
County: Lake

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on Thursday, July 16, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and his wife, [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine that the Claimant and his wife were eligible for a Group 2 Medicaid (MA) case with a deductible?

FINDINGS OF FACT

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

1. The Claimant and his wife had been eligible for MA before when they were single, but when they got married BRIDGES made an error in their MA case.
2. The Claimant was made eligible for Freedom to Work (FTW) MA on April 9, 2015 and a notice was sent from BRIDGES. Department Exhibit 4-6 and 7-8.
3. The Claimant's wife was approved and active on the same edge with Group 2 Spend down for MA. Department Exhibit 9.
4. On April 22, 2015, the Department Caseworker contacted the BRIDGES helpdesk and a ticket was created to put the Claimant and his wife on the same case for Group 2 MA spends down of BRIDGES ticket [REDACTED] - [REDACTED]

5. On May 18, 2015, the Department received a hearing request from the Claimant contesting the failure of the Department to timely correct his MA Group 2 spend down case.

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.

In this case, the Claimant and his wife had been eligible for MA before when they were single, but when they got married BRIDGES made an error in their MA case. The Claimant was made eligible for Freedom to Work (FTW) MA on April 9, 2015 and a notice was sent from BRIDGES. Department Exhibit 4-6 and 7-8. The Claimant's wife was approved and active on the same edge with Group 2 Spend down for MA. Department Exhibit 9. On April 22, 2015, the Department Caseworker contacted the BRIDGES helpdesk and a ticket was created to put the Claimant and his wife on the same case for Group 2 MA spends down of BRIDGES ticket [REDACTED]-[REDACTED] BAM 220.

During the hearing, the Department has repeatedly checked on the status of the ticket in the interim, but it is a Tier 2 and has still not been fixed on the BRIDGES system. 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 BRIDGES made an error in determining MA eligibility for the Claimant's household requiring a helpdesk ticket BR-016220 to put the Claimant and his wife on the same case for Group 2 MA spends down.

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. Initiate a redetermination of the Claimant's eligibility for MA by processing BRIDGES ticket [REDACTED] - [REDACTED] to determine the Claimant's household eligibility for MA.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/21/2015**

Date Mailed: **7/21/2015**

CGF/las

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:

