

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-013256
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: September 15, 2015
County: Oakland-District 4

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 September 15, 2015 from Lansing, Michigan. Claimant personally appeared and provided testimony. [REDACTED], testified as a witness for Claimant. [REDACTED] Eligibility Specialist (E.S.) represented the Department of Health and Human Services (Department).

ISSUE

Did the Department properly process Claimant's household group eligibility for purposes of the Medical Assistance (MA) program?

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 and her 2 minor children were active for MA Other Healthy Kids (OHK) program benefits under Claimant's father's case (Case # [REDACTED] (Exhibit 1, p 6)
2. Sometime in July, 2015, Claimant wanted to have herself and her 2 children removed from her father's case so she sent the Department an application for MA.
3. On July 14, 2015, Claimant requested a hearing to dispute the Department's apparent refusal to add her children to her MA case.
4. On July 17, 2015, the Department mailed Claimant's father (# [REDACTED] a Health Care Coverage Determination Notice (DHS-1606) which indicated the following

under case comments, "MA for dependents closed on the above case and will be added to case # [REDACTED] (Exhibit 1, pp 9-10)

5. On July 17, 2015, the Department mailed Claimant's father (# [REDACTED]) a Health Care Coverage Determination Notice (DHS-1606) which added Claimant's 2 children to her MA case for full MA coverage. (Exhibit 1, pp 16-17)

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.

An adequate notice is a written notice sent to the client at the same time an action takes effect (not pending). BAM 220 (7-1-2015) page 2. For MA purposes, the Department mails adequate notice for the following:

Case opening with a deductible or patient-pay amount.

- Decrease in post-eligibility patient-pay amount.
- Recipient removed due to his eligible status in another case.
- Divestment penalty when level of care (LC) code is blank or 20.
- Addition of MA coverage on a deductible case.
- Increase in medical benefits. BAM 220, page 4.

For MA, the Department must act on a change reported by means other than a tape match within 15 workdays after becoming aware of the change. BAM 220, p 7. For all programs, the Department must enter all changes in Bridges by changing the affected data elements. Certify the eligibility results in Bridges for all appropriate benefits and benefit periods. BAM 220, page 10.

Here, the Department submits that MA coverage for the children was never denied at any point and that Claimant's children received continuous MA coverage. Claimant did not dispute the Department's contentions.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. The record evidence shows that the Department properly removed Claimant's 2 children from her father's case and added them to her case. The notices contained in the record confirm that the Department accommodated Claimant's request. The Department mailed adequate notice of the change to Claimant pursuant to BAM 220.

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 acted in accordance with Department policy when it processed the eligibility of Claimant's household group for purposes of the MA program.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



C. Adam Purnell
Administrative Law Judge
for Nick Lyon, Director
Department of Human Services

Date Signed: 9/16/2015

Date Mailed: 9/16/2015

CAP/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:

