

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-019776
Issue No.: 2001
Agency Case No.: [REDACTED]
Hearing Date: December 22, 2015
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner'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, an in-person hearing was held on December 22, 2015, from Ypsilanti, Michigan. The Petitioner was not present, but was represented by Attorney [REDACTED], P# [REDACTED] from [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager, who testified on the behalf of the Department.

ISSUE

Did the Department properly determine the Claimant's eligibility for Medical Assistance (MA)?

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 had previously been approved for emergency services only (ESO) MA.
2. On October 21, 2015, the Claimant filed a hearing request because she had been only approved for MA-ESO.
3. On November 3, 2015, the Claimant was granted refugee asylum. Claimant Exhibit e-f.
4. On November 11, 2015, the Department submitted a BRIDGES ticket # BR-[REDACTED] to fix the error.

5. Due to Department error, the Claimant's MA is to switch from full MA to ESO effective January 1, 2016.
6. In addition, there is another error message pending her MA to close for failure to provide verifications that was due to Department error.
7. During the hearing, the Department stated that they would try to combine the error message for the DHS 1004 with the prior ticket to get them fixed at the same time.

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 had previously been approved for emergency services only (ESO) MA. On October 21, 2015, the Claimant filed a hearing request because she had been only approved for MA-ESO. On November 3, 2015, the Claimant was granted refugee asylum. Claimant Exhibit e-f. On November 11, 2015, the Department submitted a BRIDGES ticket # BR-██████████ to fix the error.

Due to Department error, the Claimant's MA is to switch from full MA to ESO effective January 1, 2016. In addition, there is another error message pending her MA to close for failure to provide verifications that was due to Department error. During the hearing, the Department stated that they would try to combine the error message for the DHS 1004 with the prior ticket to get them fixed at the same time. BEM 225 and 225A.

This Administrative Law Judge finds that the Department is aware of the issues in this case. They have submitted a BRIDGES ticket in an attempt to fix the errors on the case. 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 submitted a BRIDGES ticket # BR-██████████ to fix the error and is submitting an amendment for verification error.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** with the order to give BRIDGES ticket # BR- [REDACTED] to fix the error and the submitted amendment for verification error priority.

Carmen G. Fahie

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

Date Mailed: **12/29/2015**

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:

