

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 15-008146  
Issue No.: 2001 (HMP)  
Case No.: [REDACTED]  
Hearing Date: June 25, 2015  
County: Wayne (19)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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, an in-person hearing was held on June 25, 2015, from Inkster, Michigan. Participants included the above-named Claimant, [REDACTED], Claimant's mother, testified on behalf of Claimant. Participants on behalf of the Michigan Department of Health and Human Services (MDHHS) included [REDACTED], hearing facilitator.

**ISSUE**

The issue is whether MDHHS properly terminated Claimant's Healthy Michigan Plan (HMP) eligibility.

**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 was an ongoing HMP recipient.
2. On [REDACTED], MDHHS terminated Claimant's HMP eligibility, effective April 2015, for the reason that Claimant is neither under 21, pregnant, a caretaker to a minor child, disabled, nor over 65 years of age.
3. On [REDACTED], Claimant requested a hearing to dispute the termination of HMP eligibility.

## **CONCLUSIONS OF LAW**

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

Claimant requested a hearing to dispute a termination of his HMP eligibility. Claimant testified that he believed the termination began January 2015. During the hearing, MDHHS brought up, on their computer, the notice that was mailed to Claimant to inform him of the benefit termination. The notice stated that Claimant's HMP eligibility ended March 2015. MDHHS also brought up a summary of Claimant's medical coverage history; the summary stated that Claimant was active for HMP benefits through March 2015. Claimant presented no documentary evidence to refute the MDHHS evidence. It is found that Claimant's HMP eligibility ended March 2015. The analysis will continue to determine if MDHHS properly terminated Claimant's HMP eligibility, effective March 2015.

The notice sent to Claimant stated that the reason for termination was that Claimant was neither pregnant, disabled, a caretaker to a minor child, under 21 years of age, nor over 65 years of age. Claimant conceded that the notice was accurate. Claimant's concession disqualifies him from receiving Medicaid benefits (see BEM 100-174). Claimant's concession does not disqualify him from receiving HMP coverage, the same coverage that he received in the prior year.

The Healthy Michigan Plan is a new health care program that will be administered by the Michigan Department of Community Health, Medical Services Administration. The program will be implemented as authorized under the Affordable Care Act of 2010 as codified under 1902(a)(10)(A)(i)(VIII) of the Social Security Act and in compliance with the Michigan Public Act 107 of 2013. HMP policies are found in the Medicaid Provider Manual and Modified Adjusted Gross Income Related Eligibility Manual (MAGI).

MDHHS read a Hearing Summary into the record. The Hearing Summary stated that Claimant's HMP stopped after Claimant submitted income information. The implication of the Hearing Summary was that Claimant was not income-eligible for HMP benefits. During the hearing, MDHHS researched Claimant's reported income to determine if Claimant was income-eligible to receive HMP benefits. MDHHS conceded that discovered income information only supported a finding that that Claimant was income-eligible to receive HMP benefits.

MDHHS failed to provide any basis for terminating Claimant's HMP eligibility. Accordingly, the termination of Claimant's HMP eligibility will be reversed.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Claimant's HMP eligibility. It is ordered that MDHHS reinstate Claimant's HMP eligibility, effective April 2015, subject to the finding that MDHHS failed to establish any basis for terminating Claimant's HMP eligibility. The actions taken by MDHHS are **REVERSED**.



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**Christian Gardocki**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **6/29/2015**

Date Mailed: **6/29/2015**

CG / hw

**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:

A large black rectangular redaction box covers the names and email addresses listed in the CC field.