

**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.: 15-021330
Issue No.: 2001
Agency Case No.: [REDACTED]
Hearing Date: January 13, 2016
County: WASHTENAW

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 January 13, 2016, from Ypsilanti, Michigan. The Petitioner, [REDACTED] [REDACTED] was present and was represented by attorney [REDACTED] [REDACTED] of Legal Services of South Central Michigan. The Department was represented by Assistant Attorney General, [REDACTED] [REDACTED] Family Independence Manager, [REDACTED] and Assistance Payments Worker, [REDACTED].

ISSUE

Did the Department properly take action to reduce the Petitioner's Medical Assistance (MA) benefits by imposing 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. On August 25, 2015, the Department sent the Petitioner a DHS-1606, Health Care Coverage Determination Notice informing the Petitioner that both her and her husband were subject to a monthly deductible of \$ [REDACTED] on their MA case.
2. The Petitioner's 2014 1040 US individual income tax return indicates that the Petitioner's adjusted gross income is \$ [REDACTED]. The Petitioners also submitted paycheck stubs. The MAGI Determination in the record was based on a group size of three; a MAGI Program Limit FPL% of 133.00 and a MAGI Income FPL% of 112.83. The determination considered a total annual income of \$ [REDACTED] and a monthly income \$1889.

3. On November 3, 2015, the Department received the Petitioner's written hearing request protesting the deductible on their MA 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.

At the onset of the hearing, the uncontested testimony was that the Petitioner's eligibility for pregnancy MA had been revisited and the Department has since determined that the Petitioner was eligible for full MA with no deductible. The parties indicated that issue was resolved and as such, that portion of the hearing request is dismissed and no longer discussed in this decision and order. The only issue remaining was the Petitioner's husband's eligibility for MA for the months of January and February of 2015.

AAG [REDACTED] noticed and pointed out that the Petitioner's husband was eligible for full MA in July of 2015 with the same income he had in January and February of 2015. The parties agreed that the Petitioner's husband's eligibility for MA for the months of January and February of 2015 need to be redetermined.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it too action to determine the Petitioner's husband's eligibility for MA.

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. Redetermine the Petitioner's husband's eligibility for MA for January and February of 2015, and
2. Issue the Petitioner any supplement that the Petitioner may thereafter be due.
3. Issue a bridge's help desk ticket, if necessary, to effectuate this order in a timely manner.



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **2/1/2016**

SEH/nr

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:

