

**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.: 15-019980
Issue No.: 2001
Agency Case No.: [REDACTED]
Hearing Date: January 05, 2016
County: GENESEE-DISTRICT 6
(CLIO RD)

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 January 5, 2016, from Lansing, Michigan. The Petitioner was not present but was represented by [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Specialist, who testified on behalf of the Department.

ISSUE

Did the Department properly determine the Petitioner's eligibility for Medicaid (MA) Medical Savings Program (MSP)?

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 Petitioner was a recipient of the MSP with a redetermination due by May 31, 2015.
2. Because the Petitioner failed to submit his redetermination by the due date of May 18, 2015, a notice was sent to the Petitioner, according to the Department, where his case for MSP was pended to close on May 31, 2015. Department Exhibit 3-7.

3. On June 25, 2015, the Department stated that the Petitioner submitted his Redetermination Application, DHS-1010. The Department caseworker processed the Petitioner's Redetermination Application where the Claimant and his wife were approved for MSP starting in July 2015 and sent a notice to the Petitioner. Department Exhibit 8-10.
4. On October 19, 2015, the Petitioner requested a hearing to protest the Department's failure to reopen his MSP benefits since his case was closed as a result of his being late turning in his redetermination application.
5. On October 23, 2015, the Petitioner contacted the Department caseworker to inform her that the Petitioner's wife was no longer receiving her Social Security premium because the State of Michigan was not paying her MSP premium.
6. On October 23, 2015, the Department caseworker attempted to correct the error by reinstating the MSP; but she could not, so site support was contacted requesting a ticket to resolve the issue of BR-0217389.

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 Petitioner was a recipient of the MSP with a redetermination due by May 31, 2015. Because the Petitioner failed to submit his redetermination by the due date of May 18, 2015, and a notice was sent to the Petitioner, according to the Department, where his case for MSP was pended to close on May 31, 2015. Department Exhibit 3-7. On June 25, 2015, the Department stated that the Petitioner submitted his Redetermination Application, DHS-1010. The Department caseworker processed the Petitioner's Redetermination Application where they were approved for MSP starting in July 2015 and sent a notice to the Petitioner. Department Exhibit 8-10.

On October 19, 2015, the Petitioner requested a hearing to protest the Department's failure to reopen his MSP benefits since his case was closed as a result of him being late turning in his redetermination application on June 25, 2015. On October 23, 2015, the Petitioner contacted the Department caseworker to inform her that the Petitioner's

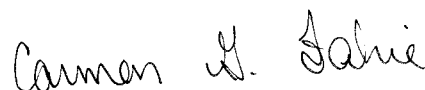
wife was no longer receiving her Social Security premium because the State of Michigan was not paying her MSP premium. On October 23, 2015, the Department caseworker attempted to correct the error by reinstating MSP; but she could not, so site support was contacted requesting a ticket to resolve the issue of BR-0217389.

During the hearing, the Department conceded that somehow the Petitioner's reopening of his MSP did not occur when he submitted his redetermination application on June 25, 2015, even though the Department caseworker processed the application and sent him an approval notice on June 25, 2015. The old BRIDGES ticket of [REDACTED] was resolved where the Petitioner and his wife were eligible for MSP effective January 4, 2016. However, the Petitioner and his wife were approved from June 25, 2015, and should be eligible retroactive to that date based on policy. As a result, after the hearing, a new BRIDGES ticket of [REDACTED] was issued for the Department to go back retroactive for MSP for the Petitioner and his wife to June 2015 based on Department policy.

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 it only processed payment of MSP to January 4, 2016. The Petitioner and his wife are eligible for MSP based on their redetermination application submitted to the Department on June 25, 2015. As a result, a new BRIDGES ticket of [REDACTED] is to be given priority that was issued after the hearing for the Department to go back retroactive for MSP eligibility for the Petitioner and his wife to June 2015 based on policy.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**. The Department is ordered to give BRIDGES ticket [REDACTED] priority.



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

Date Mailed: **1/13/2016**

CGF/jaf

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:

