

**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.: 15-021125
Issue No.: 2000
Agency Case No.: [REDACTED]
Hearing Date: January 25, 2016
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, a telephone hearing was held on January 25, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. [REDACTED]

[REDACTED] Petitioner's mother, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Medical Assistance (MA) eligibility due to excess income.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing MA benefit recipient.
2. Petitioner received employment income in October exceeding \$1,700.00.
3. On [REDACTED] Petitioner submitted redetermination documents.
4. On [REDACTED], MDHHS issued a Health Care Coverage Determination Notice (Exhibit 1, pp. 1-3) informing Petitioner of a benefit termination due to Petitioner's failure to return redetermination documents.
5. On [REDACTED], Petitioner requested a hearing.

6. On [REDACTED], MDHHS redetermined Petitioner's MA eligibility and issued a Benefit Notice (Exhibit 1, pp. 4-5) reiterating Petitioner's MA termination, effective November 2015, due to excess income.

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 Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of MA benefits, effective November 2015. As it happened, MDHHS made two different determinations to justify the benefit termination.

MDHHS presented a Health Care Coverage Determination Notice (Exhibit 1, pp. 1-3) dated [REDACTED]. The stated basis for closure was Petitioner's alleged failure to return redetermination documentation. MDHHS conceded the basis to support benefit termination was improper because Petitioner submitted redetermination documents to MDHHS three days earlier. In response to the benefit termination, Petitioner requested a hearing on [REDACTED].

It was not disputed that MDHHS corrected the error by processing Petitioner's MA eligibility on [REDACTED]. As it happened, MDHHS determined Petitioner was not eligible for MA benefits, this time for the reason of excess income.

During the hearing, MDHHS presented Petitioner's employment income from October 2015 (see Exhibit 1, pp. 6-8). MDHHS further contended Petitioner's monthly income of \$1,778.00 exceeded the monthly income limit of \$1,304.71. Though the MDHHS testimony appeared to be correct, the updated MDHHS determination can neither be affirmed nor reversed because it was made following Petitioner's hearing request.

The basis for termination before the submission of Petitioner's hearing request was MDHHS failure to process Petitioner's redetermination documents. MDHHS corrected that failure.

It is found MDHHS favorably resolved Petitioner's hearing request by processing Petitioner's MA redetermination; thus, Petitioner's hearing request will be dismissed. If

Petitioner seeks to dispute the subsequently made determination decision, he would need to submit a second hearing request.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS favorably resolved Petitioner's hearing request dated [REDACTED], by processing Petitioner's MA redetermination. Petitioner's hearing request is **DISMISSED**.



Christian Gardocki

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Signed: **1/26/2016**

Date Mailed: **1/26/2016**

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:

