

**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.: 15-022474
Issue No.: 2000
Agency Case No.: [REDACTED]
Hearing Date: February 10, 2016
County: Macomb (12)

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 February 10, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUE

The issue is whether Petitioner's dispute concerning Medical Assistance (MA) eligibility was resolved.

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. On [REDACTED], MDHHS mailed Petitioner a Notice of Case Action (Exhibit 1, pp. 1-2) informing Petitioner of a MA benefit termination, effective December 2015, due to Petitioner not completing redetermination documents.
3. On [REDACTED], Petitioner requested a hearing to dispute the termination of MA benefits from December 2015.
4. On an unspecified date, MDHHS continued Petitioner's MA eligibility from December 2015.

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).

Prior to a substantive analysis, it should be noted that Petitioner's hearing request listed he had an attorney. Petitioner's attorney did not appear for the hearing. During the hearing, Petitioner waived his right to representation and the hearing proceeded accordingly.

Petitioner requested a hearing to dispute a termination of MA benefits from December 2015. MDHHS presented a Notice of Case Action verifying the reason for termination was Petitioner's failure to complete redetermination documents. MDHHS testimony conceded the basis for termination was improper. MDHHS testimony indicated, without dispute, that Petitioner's MA eligibility was continued beginning December 2015.

Petitioner's dispute appears resolved. Petitioner testimony indicated his MA eligibility was only temporarily resolved. Petitioner testified he received another notice (in January 2016) threatening his Medicaid eligibility for March 2016.

It is appreciated that Petitioner is not satisfied with the most recent threat to his Medicaid eligibility. The jurisdiction of the present hearing is limited to the dispute stated in Petitioner's hearing request dated [REDACTED]; that dispute was resolved. Petitioner will have to separately request a hearing to dispute subsequent threats to his Medicaid eligibility.

It is found MDHHS resolved the issues within Petitioner's hearing request dated [REDACTED]. Accordingly, the hearing request is properly dismissed.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS resolved Petitioner's hearing request dated [REDACTED], concerning MA benefit eligibility from December 2015. Petitioner's hearing request is

DISMISSED.



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

Date Signed: **February 11, 2016**

Date Mailed: **February 11, 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:

