



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 18, 2016
MAHS Docket No.: 16-001782
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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, a telephone hearing was held on April 12, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] [REDACTED] appeared and testified with his wife, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor, [REDACTED] [REDACTED] and Case Worker, [REDACTED]. The following exhibits were offered and admitted into evidence:

Department: A--July 14, 2015, Redetermination.
B--August 14, 2015, Health Care Coverage Determination Notice.
C--August 17, 2015, Redetermination.
D--September 18, 2015, Health Care Coverage Determination Notice.
E-- September 28, 2015, New Higher Client Notice.
F-- September 22, 2015, Verification of the Employment.
G-- October 12, 2015, Petitioners wife's self-attestation of employment.
H-- October 13, 2015, Health Care Coverage Determination Notice.
I-- November 2, 2015, Health Care Coverage Determination Notice.
J-- December 16, 2015, Health Care Coverage Determination Notice.
K-- December 16, 2015, email regarding helpdesk ticket.
L-- October, 2015 and November, 2015 MA budgets.
M-- December 4, 2015, medical bill and Bridges Notice Reasons.
N-- Eligibility Summary.

Petitioners: None.

ISSUE

Did the Department properly determine the Petitioner's eligibility for Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of August 3, 2015, the Petitioner's household was eligible for full MA.
2. On July 14, 2015, the Department sent the Petitioner a Redetermination form because the Petitioner's newborn was, at that time, one year of age.
3. August 14, 2015, the Department sent the Petitioners a Health Care Coverage Determination Notice indicating all four members of the group were approved for full MA.
4. On August 17, 2015, the Department sent the Petitioners another Redetermination form for all members.
5. On September 18, 2015, the Petitioners MA case was pended to close due to the Petitioner's failure to provide the required proofs. The Petitioner's case worker used the August, 2015, Redetermination and logged it into the computer to prevent the closure.
6. On September 20, 2015, the Department sent the Petitioner a New Hire Client Notice.
7. On October 12, 2015, the Department received the Petitioner's verification of employment with UP Health System.
8. On October 13, 2015, the Department sent the Petitioner a Health Care Coverage Determination notice indicating that the Petitioner's group were no longer eligible for MA and that the Petitioner's one-year-old son had been referred to MICHILD.
9. On November 2, 2015, the Department sent the Petitioners a Health Care Coverage Determination Notice indicating that the Petitioner and his wife were eligible for MA with a monthly deductible of \$ [REDACTED]
10. On December 16, 2015, the Department sent the Petitioners a Health Care Coverage Determination Notice indicating that the Petitioner and his wife had MA for October, 2015 with a deductible of \$ [REDACTED] and for November, 2015 with a deductible of \$ [REDACTED]. The Department worker at the hearing testified that the calculations were reviewed by the Bridges Help Desk and were determined to be

accurate. However, the budget in evidence bases the Petitioners' MA eligibility on a group size of three instead of a group size of four.

11. On February 12, 2016, the Department received the Petitioner's written request for hearing protesting the Department's determination.

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.

Bridges Eligibility Manual (BEM) 530 (2014) p. 1, provides that the Department do a future months budget to determine ongoing income eligibility or deductible status when a change in circumstances occurred in the processing month or a change is anticipated for the future months. This includes when the Petitioner starts job. The evidence in this case indicates that the Petitioner's wife had started employment.

In this case, the Department made several eligibility determinations which differ greatly. The evidence in this case did not include income verification. Furthermore, this Administrative Law Judge did not understand the budgets in evidence and the Department worker at the hearing could not explain why those budgets were based on a group size of three when the Petitioners are a group size of four. 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 determined the Petitioner's eligibility for MA benefits.

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. Re-determine the Petitioner's eligibility for MA for the month of October and November 2015, and
2. If it is determined that there is a deductible, carefully review all medical receipts for October and November 2015, with Petitioners, when determining any potential deductible, and
3. Issue the Petitioners a Health Care Determination Notice for that eligibility determination, and
4. Issue the Petitioners any supplement they may thereafter be due.



SH/nr

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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]