



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 5, 2016
MAHS Docket No.: 16-001959

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 April 5, 2016, from Lansing, Michigan. The Petitioner was represented by her son, [REDACTED]. The Department of Health and Human Services (Department) was represented by Family Independence Manager [REDACTED].

ISSUE

Did the Department properly close Petitioner's Medicaid benefits?

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 Department submitted pages 1-20 into evidence during the hearing. (Dept. Exh. A, pp 1-20).
2. On December 3, 2015 Petitioner submitted her Redetermination packet to the Department. (Dept. Exh. A, pp 3-8).
3. On February 1, 2016, the Department issued a Health Care Coverage Determination Notice to Petitioner closing Petitioner's Medicaid case beginning March 1, 2016. (Dept. Exh. A, pp 11-13).

4. On February 8, 2016, Petitioner submitted a request for hearing to the Department. (Dept. Exh. A, p 2).
5. On February 18, 2016, a Hearing Summary was completed by the Department indicating that Petitioner's Medicaid may have been closed in error because Petitioner is disabled and is receiving [REDACTED]. Further, the Bridges notice was worded incorrectly and the Department was working on trying to resolve and correct the determination. (Dept. Exh. A, p 1).

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 Family Independence Manager testified that Petitioner had been determined eligible for the Additional Low-Income Medicare Beneficiaries (ALMB) Medicaid program beginning October, 2015 forward. The Manager explained that a Helpdesk Ticket had been submitted in this case requesting retroactive ALMB premiums be reimbursed to Petitioner, and as of the date of this hearing, Petitioner had not received the retroactive ALMB premiums.

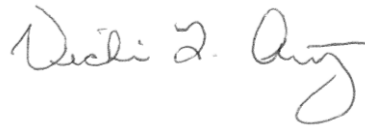
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's Medicaid case.

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. Issue an EXPEDITED Help Desk ticket to redetermine the closure of Petitioner's Medicaid program benefits effective March 1, 2016.
2. Issue an EXPEDITED Help Desk ticket to reimburse Petitioner for retroactive ALMB premiums for the months of October, November and December 2015 if she is otherwise eligible to receive them.
3. Issue a Notice of Case Action to Petitioner indicating the Department has resolved this issue and has reimbursed Petitioner for the ALMB premiums.



VLA/db

Vicki Armstrong
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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]