



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: May 19, 2016  
MAHS Docket No.: 16-003912  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

### **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 May 17, 2016, from Lansing, Michigan. The Petitioner was represented by [REDACTED], Hearing Representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager (FIM).

During the hearing proceedings, the Department's Hearing Summary Packet was admitted as Exhibit A, pp. 1-11.

### **ISSUE**

Did the Department properly determine 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. Petitioner was eligible for Medicaid with a deductible during the months of November and December 2013, as well as April, May, and June 2014. (Uncontested)
2. On March 27, 2015, a Hearing Decision was issued ordering the Department to reprocess Petitioner's MA coverage for the months of November and December

2013 and April, May, and June 2014; and to activate coverage if the deductible is met. (Exhibit A, pp. 4-5)

3. On January 4, 2016, a hearing request was filed on Petitioner's behalf contesting the Department's failure to fully comply with the March 27, 2015, Hearing Decision. (Exhibit A, p. 2)
4. As of January 13, 2016, MA coverage had only been activated for November 2013, and the other months were not activated due to a technical issue. A September 2015 Help Desk Ticket, [REDACTED], was still pending. (Exhibit A, p. 1)
5. As of the May 17, 2016, hearing date, MA coverage was activated for all months except December 2013. (Hearing Representative Testimony)
6. A February 19, 2016, Help Desk Ticket, [REDACTED], is still pending as a tier 2 ticket for a data fix. (FIM Testimony)

### **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, it was uncontested that Petitioner was eligible for Medicaid with a deductible during the months of November and December 2013, as well as April, May, and June 2014. (Uncontested)

On March 27, 2015, a Hearing Decision was issued ordering the Department to reprocess Petitioner's MA coverage for the months of November and December 2013 and April, May, and June 2014; and to activate coverage if the deductible is met. (Exhibit A, pp. 4-5)

On January 4, 2016, a hearing request was filed on Petitioner's behalf contesting the Department's failure to fully comply with the March 27, 2015, Hearing Decision. (Exhibit A, p. 2)

As of January 13, 2016, MA coverage had only been activated for November 2013, and the other months were not activated due to a technical issue. A September 2015 Help Desk Ticket, [REDACTED], was still pending. (Exhibit A, p. 1)

As of the May 17, 2016, hearing date, MA coverage was activated for all months except December 2013. (Hearing Representative Testimony)

A February 19, 2016, Help Desk Ticket, [REDACTED], is still pending as a tier 2 ticket for a data fix. (FIM Testimony)

Accordingly, the evidence indicates that MA coverage still needs to be re-processed for December 2013.

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 Petitioner's eligibility for MA.

#### **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. Reprocess Petitioner's MA coverage for the month of December 2013 and activate coverage if the deductible is met.

CL/mc



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**Colleen Lack**  
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]

**Counsel for Petitioner**

[REDACTED]

**Petitioner**

[REDACTED]