



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 19, 2016
MAHS Docket No.: 16-004400
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 12, 2016, from Detroit, Michigan. Petitioner and her husband [REDACTED] were present and testified on their own behalf. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator, and [REDACTED], Eligibility Specialist. [REDACTED] provided translation services (Bengali) via three-way telephone conference.

ISSUE

Did the Department properly process Petitioner's Medicaid (MA) case?

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, her husband, and their 2 children are ongoing MA recipients.
2. On March 18, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice notifying her that her children's MA case would close effective April 1, 2016 because she had failed to return a completed redetermination form (Exhibit B).
3. On March 29, 2016, the Department received Petitioner's request for hearing disputing the Department's actions concerning the household's MA case.

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.

Petitioner requested a hearing on March 29, 2016 concerning the status of the household MA cases. At the hearing, Petitioner's husband argued that the household should be eligible for full-coverage MA rather than ESO coverage. However, the Department testified at the hearing that Petitioner had been notified in a March 18, 2016 Health Care Coverage Determination Notice that her household's MA cases were closing effective April 1, 2016 due to her failure to return a completed redetermination. Therefore, at the time Petitioner filed her hearing request on March 29, 2016, she faced a pending closure of her household's MA cases. The Department asserted at the hearing, however, that, after it received the March 29, 2016 hearing request, it processed the redetermination and approved Petitioner, her husband, and their two children for Emergency Services Only (ESO) MA coverage with no interruption in their coverage and notified Petitioner in an April 6, 2016 Health Care Coverage Determination Notice of their ongoing coverage effective April 1, 2016.

The Department presented no documents at the hearing to support their position but were given the opportunity to provide the relevant Health Care Coverage Determination Notices. The provided Notices (Exhibits A and B), however, fail to support the Department's assertion that the redetermination had been processed and **all** household members had active, ongoing ESO MA coverage. Rather, they show that Petitioner's children's cases were due to close effective May 1, 2016 for failure to complete the redetermination. No copy of the redetermination was provided by the Department to establish the MA cases at issue but it follows that Petitioner and her husband's MA certification periods would coincide with their children's. The Department did not contend that it did not receive a timely completed redetermination. The April 6, 2016 Health Care Coverage Determination Notice indicates that the children received full coverage for June 2015 and were approved for ESO coverage for July 1, 2015 ongoing and Petitioner was approved for ESO coverage for December 1, 2015 ongoing. It is not clear from the April 6, 2016 Notice that the redetermination was processed and that a new certification period was certified for April 1, 2016 ongoing. Furthermore,

Petitioner's husband is not referenced at all. Therefore, the Department has failed to satisfy its burden of showing that it properly processed Petitioner's household's MA cases.

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 processed Petitioner's household's MA cases.

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 the redetermination for the household;
2. Provide Petitioner, her husband and their children with the MA coverage they are eligible to receive from April 1, 2016 ongoing; and
3. Notify Petitioner in writing of its decision.

ACE/tlf



Alice C. Elkin

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

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