



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 17, 2016
MAHS Docket No.: 16-013009
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 October 11, 2016, from Lansing, Michigan. [REDACTED] (Petitioner) represented herself. [REDACTED], Assistance Payments Worker (APW), and [REDACTED], Assistance Payments Supervisor (APS) represented the Department of Health and Human Services (Department).

The Department offered the following exhibits which were admitted into evidence: **[Exhibit 1:** Hearing Summary (page 1), Request for Hearing (pages 2-3), Health Care Coverage Determination Notice (page 4), Bridges Printout Individual Demographics (page 5), Petitioner's passport (page 6), Bridges EDG Summary (page 7) and Pre-Hearing Conference letter (page 8). Petitioner did not offer any exhibits into evidence. The record closed at the conclusion of the hearing.

ISSUE

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

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 is a citizen of the United States. [Exhibit 1, p. 6].
2. Petitioner applied for MA on July 19, 2016. [Exh. 1, p. 1].

3. On the application, Petitioner indicated that she is a U.S. citizen. [Exh. 1, p. 1].
4. On or about August 24, 2016, the Department erroneously found that Petitioner was not a U.S. citizen and was; therefore, eligible for Emergency Services Only (ESO) MA benefits. [Exh. 1, pp. 1, 5].
5. On September 1, 2016, Petitioner requested a hearing to dispute the Department's determination that she was not a U.S. citizen and that she was entitled to ESO benefits. [Exh. 1, p. 3].
6. During the hearing, the Department representative testified that the Department acknowledged the error and subsequently corrected the error by providing Petitioner with full MA benefits under the Healthy Michigan Plan (HMP). [Exh. 1, p. 7].

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 the instant matter, the Department acknowledged that it erred when it found that Petitioner was not a U.S. citizen and that she was only eligible for ESO benefits. The record shows that the Department corrected the error and redetermined Petitioner's MA eligibility. Following the redetermination, the Department concluded that Petitioner was eligible for HMP benefits. Petitioner was satisfied with the Department's correction of the error and the decision to provide her with HMP benefits. The parties have reached a resolution of all pending issues and there were no further issues to be considered.

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 acted in accordance with Department policy when it corrected Petitioner's MA case and provided her with HMP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

IT IS SO ORDERED.

CAP/mc



C. Adam Purnell
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]

Petitioner

[REDACTED]