



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: April 29, 2016
MAHS Docket No.: 16-002064
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 was represented by her Authorized Hearing Representative (AHR) and son, [REDACTED]. Also, [REDACTED], Business Office Manager for [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor, [REDACTED].

The following exhibits were offered and admitted into evidence:

- Department: A--November 10, 2014, MA application.
- B--November 12, 2014, Health Care Coverage Supplemental Questionnaire.
- C--Bridges MA Assets.
- D--Bridges Liquid Assets-Details.
- E-- December 2, 2014, Health Care Coverage Determination Notice.
- F-- October 20, 2015, Hearing Decision.

ISSUE

Did the Department properly deny the Petitioner's application for Medical Assistance (MA) benefits due to excess assets?

FINDINGS OF FACT

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

1. On November 10, 2014, the Department received the Petitioner's application for MA.
2. On November 12, 2014, the Department received the completed Health Care Coverage Supplemental Questionnaire indicating that the Petitioner had a savings account with a balance of \$ [REDACTED]
3. On December 2, 2014, the Department sent the Petitioner a Health Care Coverage Determination notice indicating that the Petitioner had access assets to be eligible for MA. This notice was not sent to the Petitioner's AHR.
4. On March 2, 2015, the Department again received an application for MA and Retro-MA requesting coverage for the months of September, 2014 to November, 2014.
5. On October 20, 2015, a hearing decision issued ordering the Department to redetermine the Petitioner's eligibility for MA back to March 2, 2015.
6. On February 17, 2016, the Department received the Petitioner's AHR's written request protesting the denial of Retro-MA benefits back to September, 2014.

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, there was much testimony as to whether or not the hearing was requested timely based on a December 2, 2014 denial of MA benefits. The evidence indicates that the notice was not sent to the Petitioner's AHR. This Administrative Law Judge therefore concludes that the hearing request is timely, as the Petitioner's AHR had no proper notice of the denial.

During the hearing, the Department discovered for the first time that the Petitioner would be eligible for Retro-MA back to December 2014 based on the March, 2015 application and Bridges Administrative Manual (BAM) 115. The Department testified that it was their error that they had not discovered sooner that the Petitioner would be eligible for

this coverage. The Petitioner's AHR ultimately testified that he would be satisfied with this result and that it would resolve all of his issues with this case. The Petitioner's AHR testified that he understood that the Petitioner was over assets to be eligible for MA previous to December, 2014 and that this determination was in accordance with Department policy, specifically the asset limit set forth in Bridges Eligibility Manual (BEM) 400.

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 did not act in accordance with Department policy when it determined the Petitioner's Retro-MA eligibility.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY, INCLUDING ISSUING A NEW ELIGIBILITY NOTICE AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine the Petitioner's eligibility for MA for December 2014, January, 2015 and February 2015, and
2. Issue the Petitioner any supplement she may thereafter be due, and
3. The Petitioner's AHR retains the right to request a hearing on the new eligibility determination.



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]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]