



RICK SNYDER  
GOVERNOR

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

MIKE ZIMMER  
DIRECTOR

[REDACTED]

Date Mailed: April 6, 2016  
MAHS Docket No.: 16-002154  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Kevin Scully**

**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. After due notice, telephone hearing was held on April 05, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included his attorney [REDACTED] and his guardian [REDACTED]. [REDACTED] (Hearing Facilitator) represented the Department of Health and Human Services (Department). The Petitioner's oral request for an adjournment was denied.

**ISSUE**

Did the Department of Health and Human Services (Department) properly determine the 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. The Petitioner is an ongoing Medical Assistance (MA) recipient.
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED]
3. On January 26, 2016, the Department notified the Petitioner that he was not eligible for Medical Assistance (MA) effective March 1, 2016.
4. On February 1, 2016, the Department received an application for Medical Assistance (MA).

5. On February 8, 2016, the Department received the Petitioner's request for a hearing protesting the level of Medical Assistance (MA) he is receiving.

### **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.

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (January 1, 2016), p 2.

The Petitioner is an ongoing MA recipient and a recipient of RSDI benefits. The Petitioner had been receiving MA benefits based on his receipt of Supplemental Security Income (SSI) benefits but the Department initiated a review of his eligibility under another category based on his circumstances reported in a new application on February 1, 2016. The Department initially approved the Petitioner for MA benefits under the Healthy Michigan Program (HMP), which made him ineligible for the Medicare Savings Program (MSP). The Petitioner is not eligible for HMP benefits as a Medicare eligible person.<sup>1</sup>

The Petitioner is potentially eligible for MA benefits under the Disabled Adult Children category. Department of Health and Human Services Bridges Eligibility Manual (BEM) 158 (October 1, 2014), pp 1-7.

The Department's representative testified that the Petitioner possesses an asset that may affect his eligibility for MA benefits.

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 most beneficial category of Medical Assistance (MA) available to the Petitioner.

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<sup>1</sup> Michigan Department of Health and Human Services Medicaid Provider Manual, Healthy Michigan Plan, section 1.1. This manual is available on the internet at <http://www.mdch.state.mi.us/dch-medicaid/manuals/medicaidprovidermanual.pdf>

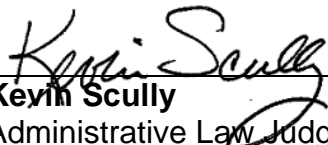
**DECISION AND ORDER**

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. Initiate a determination of the Petitioner's eligibility for Medical Assistance (MA) as of March 1, 2015.
2. Provide the Petitioner with written notice describing the Department's revised eligibility determination.
3. Issue the Petitioner any retroactive benefits he may be eligible to receive, if any.

KS/las

  
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**Kevin Scully**  
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]

[REDACTED]

**Petitioner**

[REDACTED]