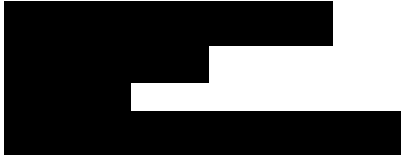




RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR



Date Mailed: April 18, 2016
MAHS Docket No.: 16-002478
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 April 14, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator and [REDACTED] ES.

ISSUE

Did the Department properly closed Petitioner's MA-Ad-Care due to excess income?

FINDINGS OF FACT

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

1. Pursuant to redetermination, the Department closed Petitioner's MA-Ad-Care effective March 1, 2016.
2. On February 10, 2016, Notice was provided to Petitioner regarding the planned closure.
3. On February 19, 2016, Petitioner requested hearing contesting the closure of MA-Ad-Care benefits and conversion to MA-G2S.
4. MA-Ad-Care Benefits were not reinstated pending hearing.
5. Petitioner has \$ [REDACTED] unearned income from social security.

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.

Timely Hearing Request-All Programs

A **timely hearing request** is a request received by the department within 10 days of the date the notice of case action was issued. When the 10th calendar day is a Saturday, Sunday, holiday, or other non-workday, the request is timely if received by the following workday.

While waiting for the hearing decision, recipients must continue to receive the assistance authorized prior to the notice of negative action when the request was filed timely. Upon receipt of a timely hearing request, reinstate program benefits to the former level for a hearing request filed because of a negative action. BAM 600

In this case, Petitioner requested hearing on February 19, 2016. Notice was given to Petitioner on February 10, 2016. BAM 600 requires that the Department reinstate benefits for ALL PROGRAMS if the hearing is requested within 10 days. The Department representative suggested that this was not standard practice at their office. The Department representative further suggested that only FAP benefits are reinstated pending the hearing. The Department representative provided no policy supporting their position. Petitioner's benefits should have been reinstated pending the hearing. BAM 600

Petitioner has \$ [REDACTED] in unearned income from social security. After subtracting the \$ [REDACTED] unearned income general exclusion, Petitioner has \$ [REDACTED] net unearned income. The income limit for the Ad-care program in February 2016 was \$ [REDACTED]. Petitioner was \$ [REDACTED] over the income limit for MA-Ad-care. Therefore the conversion to MA-G2S with a deductible was proper and correct.

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 act in accordance with Department policy when it closed Petitioner's MA-Ad-Care benefits and converted to MA-G2S with a deductible.

DECISION AND ORDER

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

AM/las



Aaron McClintic
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



Petitioner

