



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 27, 2016
MAHS Docket No.: 16-002500
Agency No.: [REDACTED]
Petitioner: David Major Jr

ADMINISTRATIVE LAW JUDGE: Jonathan Owens

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 Detroit, Michigan. The Petitioner was represented by [REDACTED] from [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly process an October 5, 2015 application 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. On October 5, 2015, an application for MA benefits was submitted to the Department for processing.
2. On November 16, 2015, the Petitioner's representative supplied via email a copy of the Petitioner's 2014 Schedule C to verify the Petitioner's business income.

3. On December 11, 2015, the Department issued a notice of case action indicating the Petitioner was granted MA benefits for the months of August and September 2015, but he was denied MA for the month of October 2015. The basis noted for denial was that the Petitioner was not blind, disabled, pregnant, parent/caretaker relative of a dependent child, or meet age requirements.
4. On February 17, 2016, the Petitioner's representative filed a request for hearing protesting the denial of MA benefits for the month of October 2015.

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 present case, the Petitioner's application for MA benefits for the month of October 2015 was denied. The notice of case action issued on December 11, 2015, indicated the Petitioner was not blind, disabled, pregnant, parent/caretaker relative of a dependent child or met age requirements. However, the Department indicated they had really denied the request based upon an income determination. Further the Department acknowledged the receipt of additional information which did indicate eligibility. On the DHS 3050 completed on February 29, 2016, the Department indicated health coverage had been reinstated for the month of October 2015.

The Petitioner's representative noted no coverage appeared on their system. The Department representative checked BRIDGES and discovered the coverage had not be added as indicated in the DHS 3050. The Department indicated a request was made to add the coverage.

Upon review of the record and the exhibits presented, this Administrative Law Judge finds the Department has not demonstrated the Petitioner's application dated October 5, 2015 was properly processed. The notice of case action issued fails to match the reason presented as the basis for denying the application.

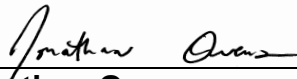
DECISION AND ORDER

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. Process the Petitioner's application for MA benefits dated October 5, 2015;
2. Determine eligibility, and if eligible issue appropriate benefits;
3. Issue a notice of case action indicating the actions taken.

JO/tm



Jonathan Owens
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

Counsel for Petitioner

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]