



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: May 5, 2016  
MAHS Docket No.: 16-003647  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 28, 2016, from Detroit, Michigan. Petitioner appeared and was represented by her mother, [REDACTED]. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

### **ISSUE**

The issue is whether Petitioner has a dispute for which an administrative remedy may be granted.

### **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 was an ongoing Medicaid recipient.
2. On [REDACTED], MDHHS initiated a termination of Petitioner's Medicaid eligibility, effective April 2016.
3. On [REDACTED], Petitioner's AHR requested a hearing to dispute the termination of Medicaid.
4. On an unspecified date, MDHHS approved Petitioner for Medicaid beginning April 2016.

## CONCLUSIONS OF LAW

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's AHR requested a hearing to dispute a termination of Medicaid. MDHHS testimony indicated Petitioner previously received Medicaid for being an SSI recipient. It was not disputed Petitioner stopped receiving SSI benefits in 2015. It was also not disputed that MDHHS terminated Petitioner's Medicaid eligibility beginning April 2016 because Petitioner was no longer eligible to receive Medicaid for being an SSI recipient.

The Medicaid program is comprised of several sub-programs or categories. BEM 105 (October 2014), p. 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Medicaid eligibility for children under 19, parents or caretakers of children, pregnant or recently pregnant women, former foster children, MOMS, Plan First!, and Adult Medical Program is based on Modified Adjusted Gross Income (MAGI) methodology. *Id.*

MDHHS testimony conceded Petitioner might have been eligible to receive Medicaid for a reason other than being an SSI recipient. MDHHS testimony contended it was Petitioner's burden to submit a new application for a consideration of Medicaid eligibility. Much of the hearing was spent discussing whether MDHHS should have performed an ex-parte review (see BAM 210) so that to consider Petitioner's MA eligibility under all Medicaid categories. Much of the hearing was devoted to whether MDHHS performed an ex-parte review of Petitioner's MA eligibility; as it happened, the discussion was unneeded.

The Michigan Administrative Hearing System may grant a hearing about any of the following:

- denial of an application and/or supplemental payments;
- reduction in the amount of program benefits or service;
- suspension or termination of program benefits or service
- restrictions under which benefits or services are provided;
- delay of any action beyond standards of promptness; or
- the current level of benefits or denial of expedited service (for Food Assistance Program benefits only).

BAM 600 (October 2015), pp. 4-5.

Petitioner's AHR conceded MDHHS eventually approved Petitioner for Medicaid beginning April 2016. Petitioner's AHR was asked why she proceeded with the hearing if Petitioner had no lapse in Medicaid coverage. Petitioner's AHR explained she received a notice that her daughter was eligible for Medicaid in March 2016, but under a case number different from her previous eligibility. Petitioner's AHR expressed concern that Medicaid eligibility under a different case number would be problematic for her daughter.

An approval for Medicaid under a new or different case number is not a basis for which an administrative remedy can be granted. It cannot be construed as a restriction or reduction in benefits.

It is found Petitioner has no dispute with MDHHS for which an administrative remedy may be granted. Accordingly, Petitioner's hearing request will be dismissed.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner received no loss in Medicaid coverage, effective March or April 2016. Petitioner's hearing request is **DISMISSED**.

CG/hw



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**Christian Gardocki**

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]

**Authorized Hearing Rep.**

[REDACTED]

**Petitioner**

[REDACTED]