



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 3, 2016
MAHS Docket No.: 16-003873
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 May 5, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly process Petitioner's application for Medical Assistance (MA) benefits?

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 or around February 26, 2016, Petitioner submitted an application for MA benefits.
2. Petitioner is [REDACTED] years old and receives monthly Retirement, Survivors, Disability and Insurance (RSDI) benefits based on a disability. (Exhibit D)
3. Petitioner is the caretaker of her [REDACTED] year old granddaughter.
4. On March 1, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) advising her that for the period of February 1, 2016,

to February 29, 2016, she was approved for MA with a monthly deductible of \$381. (Exhibit A)

5. On March 14, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) advising her that for the period of March 1, 2016, to March 31, 2016, she was approved for MA with a monthly deductible of \$381 and that effective April 1, 2016, ongoing, she was approved for MA with a monthly deductible of \$259. (Exhibit B)
6. Petitioner was approved for MA under the Group 2 Caretaker Relatives (G2C) category. (Exhibit C)
7. On March 14, 2016, Petitioner requested a hearing disputing the Department's actions.

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.

MA is available (i) to individuals who are aged (65 or older), blind or disabled under SSI-related categories, (ii) to individuals who are under age 19, parents or caretakers of children, or pregnant or recently pregnant women, and (iii) to individuals who meet the eligibility criteria for Healthy Michigan Plan coverage. BEM 105 (January 2016), p. 1; MPM, Healthy Michigan Plan, § 1.1. Additionally, persons may qualify under more than one MA category and federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility, the least amount of excess income, or the lowest cost share. Therefore, the Department must consider all the MA category options in order for the client's right of choice to be meaningful. BEM 105, p. 2.

In this case, Petitioner became the caretaker of her granddaughter after the death of her son (the child's father) in February 2016. The Department testified that it received and processed the MA application submitted by Petitioner and determined that she was

eligible for MA under the G2C program with a monthly deductible effective February 1, 2016. The Department stated that although Petitioner receives RSDI based on a disability, the disability screen was not completed in Bridges, thus, her eligibility for a SSI-related MA program was not determined. The Department stated that Petitioner was approved for MA based on her status as a caretaker. The Department could not identify whether MA under a SSI-related category or MA under a caretaker based program would be more beneficial to Petitioner, however, it was established that Petitioner may be eligible for more than one MA category.

Although there was some discussion at the hearing concerning the calculation of Petitioner's MA deductible under the G2C program, the Department failed to establish that it considered Petitioner's eligibility for all MA category options prior to issuing the Notice approving Petitioner under the G2C program.

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 processed Petitioner's MA 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. Register and process Petitioner's February 26, 2016, MA application to determine her eligibility for all MA categories;
2. Provide Petitioner with MA coverage under the most beneficial MA category from February 1, 2016, ongoing; and
3. Notify Petitioner in writing of its decision.



Zainab A. Baydoun

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

ZB/tlf

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

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