



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 26, 2016
MAHS Docket No.: 16-004838
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 24, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Eligibility Specialist, [REDACTED].

The following exhibits were offered and admitted into evidence:

Department: A—February 9, 2016, Redetermination.
B--Petitioner's paycheck stubs.
C--March 25, 2016, Health Care Coverage Determination Notice.

Petitioner: None.

ISSUE

Did the Department acted in accordance with departmental policy when taking action to close the Petitioner's Medical Assistance (MA) case 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. The Petitioner was an on-going recipient of MA benefits.

2. On February 9, 2016, the Department sent the Petitioner a Redetermination packet.
3. On February 23, 2016, the Petitioner submitted her pay check stubs.
4. On March 25, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice informing the Petitioner that she was no longer eligible of MA.
5. On April 5, 2016, the Department received the Petitioner's written hearing request protesting the closure of her MA case.

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 this case, the Petitioner was perplexed as to why her MA case closed. The Petitioner testified that her income had not changed and that it did fall into the income eligibility scale that is on her Health Care Coverage Determination Notice. The Department testified that the Petitioner had MA as a caretaker relative of her three children, not Healthy Michigan Plan, and that she had excess income to be eligible as a caretaker relative.

There was no budget in evidence to support the Department's testimony. Furthermore, when asked why the Petitioner could not be eligible for Healthy Michigan Plan, the Department could not answer that question. Based on the income cited in the Health Care Coverage Determination Notice, this Administrative Law Judge concludes that the Petitioner would be income eligible for Healthy Michigan Plan, if otherwise categorically eligible.

Bridges Eligibility Manual (BEM) 105 (2016) p. 2, provides that, 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, the least amount of excess income or the lowest cost share. The Department worker is

instructed, by the policy, to consider all the MA a category options in order for the Petitioner's right of choice to be meaningful.

The testimony on the record was that the Department worker no longer makes the MA category determination, but rather the Bridges computer system is supposed to automatically cascade through the categories on behalf of the Petitioner. This Administrative Law Judge takes official notice that the Bridges computer system has been known to make inaccurate MA eligibility decisions as well as inaccurate matches with other government entities and is therefore less than reliable. There is no budget in evidence. As such, the Department failed to meet its burden of proving that it acted in accordance with departmental policy when taking action to close the Petitioner's MA case.

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 INCLUDING ISSUING A NEW ELIGIBILITY NOTICE, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Re-determine the Petitioner's eligibility for MA back to April 1, 2016 and
2. Issue the Petitioner any supplement she may thereafter be due, and
3. The Petitioner retains the right to request a hearing on the new eligibility determination.



SH/nr

Susanne E. Harris
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]

Petitioner

[REDACTED]