



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: November 28, 2016
MAHS Docket No.: 16-014667
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 November 10, 2016, from Detroit, Michigan. [REDACTED], Petitioner's guardian, appeared and testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Medical Assistance (MA) eligibility.

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 MA recipient.
2. On an unspecified date, MDHHS erroneously terminated Petitioner's MA eligibility, effective September 2016, for unstated reasons.
3. On [REDACTED], Petitioner's guardian requested a hearing to dispute the termination of MA benefits.

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 guardian requested a hearing to dispute a termination of Petitioner's MA eligibility. Petitioner's guardian's testimony indicated the MA termination was to begin September 2016.

MDHHS did not present a written notice of case action. Thus, neither the date of notice nor the reason for MA termination was verified; as it happens, neither piece of information is needed because MDHHS testimony conceded that Petitioner's eligibility was improperly closed. MDHHS will be ordered to reinstate Petitioner's MA eligibility from September 2016.

It was curious why MDHHS had not yet reinstated Petitioner's MA eligibility when it was undisputed that the benefits were improperly closed. MDHHS testimony indicated that a reinstatement was delayed because the eligibility had to be verified with the DAC (Disabled Adult Child) Unit.

When a decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification, is sent with the hearing decision. BAM 600 (October 2015), p. 42. [MDHHS is to] complete the necessary case actions within 10 calendar days of the mailing date noted on the hearing decision. *Id.* [MDHHS is to] complete and mail the DHS-1843 to MAHS to certify implementation and place a copy of the form in the case file. *Id.*

It is possible that Petitioner is ineligible for Medicaid due to some unspecified problem related to Petitioner's status as a DAC. If MDHHS eventually determines Petitioner to be ineligible for MA benefits, MDHHS policy allows for a termination of MA benefits at that time. MDHHS policy does not allow a delay in reinstatement of medical coverage that was undisputed as improper. MDHHS will be expected to comply with the below order within 10 days, as required by MDHHS policy.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's MA eligibility. It is ordered that

MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Fully reinstate Petitioner's MA eligibility, effective September 2016; and
- (2) Issue any benefits improperly not issued.

The actions taken by MDHHS are **REVERSED**.

CG/hw



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]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]