



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: November 28, 2016
MAHS Docket No.: 16-014869
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 [REDACTED], from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist.

ISSUE

The issue is whether MDHHS properly issued notice of Petitioner's spouse'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. On [REDACTED], Petitioner's spouse applied for MA benefits.
2. On [REDACTED], MDHHS issued written notice that Petitioner's spouse was denied MA benefits.
3. On [REDACTED], Petitioner requested a hearing alleging MDHHS failed to process his spouse's MA eligibility.

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). MA eligibility based on modified adjusted gross income MA categories are also found in the Medicaid Provider Manual and Modified Adjusted Gross Income Related Eligibility Manual (MAGIM).

Petitioner requested a hearing to dispute MA eligibility. Petitioner's hearing request had checked boxes indicating a dispute over a closure and amount of MA eligibility. Petitioner's narrative cited that he was approved for a Medicaid deductible. It was thought Petitioner intended to dispute a determination of his MA eligibility, though his statements in the hearing indicated otherwise. No analysis will be undertaken concerning Petitioner's MA eligibility based on Petitioner's testimony that he did not intend to request a hearing about his MA eligibility.

Petitioner's hearing request also stated that his wife was denied MA benefits due to excess income. It was thought Petitioner intended to dispute this determination, though again, Petitioner's hearing statements expressed a different intent. Petitioner verbally alleged MDHHS failed to send written notice of his wife's MA eligibility. Based on Petitioner's statements during the hearing, an analysis of whether MDHHS properly mailed written notice of Petitioner's spouse's MA eligibility will be undertaken.

Upon certification of eligibility results, Bridges automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. BEM 220 (October 2015), p. 2. A notice of case action must specify the following: the action(s) being taken by the department; the reason(s) for the action; the specific manual item which cites the legal base for an action or the regulation or law itself; an explanation of the right to request a hearing; and the conditions under which benefits are continued if a hearing is requested. *Id.*

MDHHS presented a Benefit Notice (Exhibit 1, pp. 22-23) dated [REDACTED]. The notice stated Petitioner's spouse was over the income limit for Healthy Michigan Plan benefits. The notice cited BEM 137 as policy to support the denial.

MDHHS testimony indicated the Benefit Notice was mailed by Petitioner's specialist on the date that Petitioner's MA eligibility was denied. The testimony was consistent with a Health Care Coverage Determination Notice (Exhibit 1, pp. 18-21) dated [REDACTED] [REDACTED] which determined Petitioner was eligible for Medicaid subject to a deductible.

Petitioner denied receiving the notice of his wife's MA coverage denial. Petitioner's testimony seemed to contradict his own hearing request statement that he was aware his wife was denied MA based on income. Petitioner testified he learned of his wife's denial by a verbal statement, and not by written notice.

It was curious that the notice of Petitioner's spouse's Medicaid was not sent automatically by Bridges (the MDHHS database). MDHHS testimony indicated that it is known by specialists that Bridges does not automatically mail notices in certain circumstances. One such circumstance appears to be when a married couple apply for MA benefits, and only one member is disabled.

The presented notice of application denial listed Petitioner's proper mailing address. Presented MDHHS testimony was credible and consistent with presented documents. It is found MDHHS issued proper notice of Petitioner's spouse's denial of MA benefits.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS issued proper notice of Petitioner's spouse's MA application dated [REDACTED]. The actions of MDHHS are **AFFIRMED**.

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]