



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: January 19, 2017
MAHS Docket No.: 16-017745

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 - 273.18; 42 CFR 431.200 - 431.250; 45 CFR 99.1 - 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 19, 2017, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator [REDACTED]. [REDACTED] testified on behalf of the Department. The Department submitted 33 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly close Petitioner's Medicaid case?

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 December 8, 2014, Petitioner submitted a Federally Facilitated Marketplace Application Transfer. [Dept. Exh. 4-15].
2. On November 18, 2016, Petitioner submitted a hearing request contesting the closure of her Medicaid case.

3. On December 2, 2016, the Michigan Administrative Hearing System received Respondent's Hearing Summary dated November 29, 2016.

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.

During the hearing in the above captioned matter, Petitioner credibly testified that she applied for health insurance through the marketplace in 2014, and was subsequently informed by the Department that she was eligible for Medicaid. Petitioner then began receiving Medicaid until June, 2016, when her case was closed.

Petitioner explained that she is not requesting new Medicaid, but wants her old Medicaid case reinstated because the Department did not warn her that her Medicaid case was closing and she continued to run up medical bills. Petitioner admitted that she did not apply for Medicaid through the Department, but received Medicaid based on her low income and her application through the marketplace.

██████████, the Department Representative, credibly testified that the Department's computer system was in the process of being upgraded and she was unable to research Petitioner's case.

The evidence submitted by the Department did not include a Medicaid application, a Notice of Case Action informing Petitioner she had been approved for Medicaid, a Notice of Case Action that instead of full Medicaid, she was subject to a ██████████ spenddown or a Notice of Case Action that Petitioner's Medicaid benefits were being closed. As a result, this Administrative Law Judge was unable to determine whether the Department had acted appropriately or not.

DECISION AND ORDER

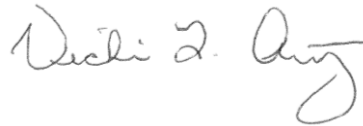
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in

accordance with Department policy when it failed to support its actions of closing Petitioner's Medicaid benefits.

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. Redetermine Petitioner's Medicaid eligibility from December, 2014 through June, 2016.
2. Issue Petitioner a Notice of Case Action indicating the results of the Redetermination.



Vicki Armstrong

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

