



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: March 17, 2017
MAHS Docket No.: 17-000522
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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, an in person hearing was held on February 15, 2017, at the [REDACTED] County Department of Health and Human Services office in [REDACTED], Michigan. Petitioner was represented by himself. The Department was represented by Family Independence Manager [REDACTED] [REDACTED] and Eligibility Specialist [REDACTED] [REDACTED]

ISSUE

Did the Department properly determine Petitioner and his spouse's Medical Assistance (MA) eligibility on December 20, 2016?

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 19, 2016, Petitioner submitted an application for Medical Assistance (MA) through the Facilitated Federal Marketplace. The application sought Medical Assistance (MA) benefits for both Petitioner and his spouse, [REDACTED]. The application was electronically transferred to the Department. The transferred information indicated that [REDACTED] was "out of the household".
2. On December 20, 2016, Petitioner's Medical Assistance (MA) application was auto approved. Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated: Petitioner was approved for full coverage from

December 1, 2016 ongoing; [REDACTED] was approved for full coverage from December 1-31, 2016; and [REDACTED] was not eligible from January 1, 2017 ongoing.

3. On January 3, 2017, Petitioner submitted a hearing request.
4. During this hearing, the Department representatives testified that the December 20, 2016, Medical Assistance (MA) eligibility determination was incorrect because [REDACTED] was in fact, in the home. The information transferred from the Facilitated Federal Marketplace application was incorrect.

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 many additional facts and circumstances have developed since the December 20, 2016, Health Care Coverage Determination Notice (DHS-1606) was issued. However, no subsequent eligibility determination notice has been issued by the Department. Bridges Administration Manual (BAM) 600 Hearings specifies that:

The client must receive a written notice of all case actions affecting eligibility or amount of benefits. When a case action is completed it must specify:

The action being taken by the department.

The reason(s) for the action.

The **specific manual item(s)** that cites the legal base for an action, or the regulation, or law itself; see Bridges Administrative Manual (BAM) 220.

There is no jurisdiction to conduct an Administrative Law Hearing on any issues other than those arising from an eligibility determination notice issued in accordance with these requirements of BAM 600. An Administrative Law Judge conducting hearings on Department of Health and Human Services benefit eligibility determinations has no jurisdiction or authority to hear, or issue decisions on, hypothetical situations. Anything that is not specified in a proper eligibility determination notice, is a hypothetical situation.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner and his spouse's Medical Assistance (MA) eligibility on December 20, 2016.

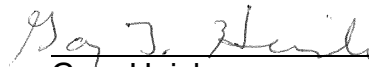
DECISION AND ORDER

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. Reinstate Petitioner's December 19, 2016 Medical Assistance (MA) application and process it in accordance with Department policy to include issuing a current eligibility determination notice.

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]