



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: April 11, 2017  
MAHS Docket No.: 17-001176  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

### **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. On February 15, 2017, Michigan Administrative Hearing System (MAHS) issued a Notice of Hearing for a telephone hearing to be held on March 1, 2017. On February 28, 2017, Petitioner's request for an adjournment was granted and the case was scheduled as an in-person hearing in [REDACTED] County. After due notice, an in-person hearing was held on March 21, 2017, from Lansing, Michigan. Petitioner, her husband [REDACTED] and her sister-in-law [REDACTED] testified on behalf of Petitioner. The Department was represented by [REDACTED] (Hearing Facilitator) and [REDACTED] (Eligibility Specialist).

### **ISSUE**

Did the Department of Health and Human Services (Department) properly determine eligibility for Medical Assistance (MA) for Petitioner's benefit group?

### **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 and her husband are ongoing Medical Assistance (MA) recipients as a group of two, and have been approved for benefits since January 1, 2016.
2. As of January 30, 2017, Petitioner and her husband had met their monthly deductible in November of 2016, October of 2016, July of 2016, June of 2016, May of 2016, April of 2016, March of 2016, February of 2016, and January of 2016. Exhibit A, pp 2-4.

3. On November 30, 2016, the Department notified Petitioner that she and her husband were approved for continuing Medical Assistance (MA) benefits and had met their monthly deductible of \$ [REDACTED] as of November 18, 2016. Exhibit A, pp 6-8.
4. On January 27, 2017, the Department received Petitioner's request for a hearing.

### **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.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (October 1, 2015), pp 3-4.

Petitioner and her husband have been eligible for MA benefits since January 1, 2016. Petitioner and her husband are approved for MA benefits under the G2-S category as a group of two and their benefits are subject to a monthly deductible. For November of 2016, Petitioner and her husband were approved for MA with a \$ [REDACTED] monthly

deductible and had met that deductible as of November 18, 2016, making them eligible for “full coverage” as of that date.

Petitioner argued that it was Mr. [REDACTED]’s MA eligibility that was being questioned with the request for a hearing and not Mrs. [REDACTED]’s.

However, the [REDACTED] are approved for MA benefits as spouses and as a group of two. As the named grantee on their application for MA benefits, Mrs. [REDACTED]’s name appears on the hearing request heading. As an adult member of the benefit group, Mr. [REDACTED] is entitled to a hearing for issues listed in BAM 600 that affect either member of the benefit group. Therefore, it is not relevant to Petitioner’s grievance whether it was intended to protest her MA eligibility or Mr. [REDACTED]’s MA eligibility.

Petitioners argue that they are not approved for MA benefits despite the Department’s notice that they have been approved for ongoing benefits. The Department presented credible evidence showing that Petitioners have been approved for MA benefits and that these benefits are subject to a monthly deductible. Until Petitioners meet that monthly deductible, they do not have “full coverage” Medicaid (MA).

The Department’s representative testified that Petitioners met their monthly deductible for certain months in 2016 by applying Mrs. [REDACTED]’s incurred medical expenses, and during those months, Mr. [REDACTED] was able to take advantage of his “full coverage” MA benefits to cover medical expenses that would not exceed the monthly deductible on their own.

Petitioner’s expressed frustration with the problems they have scheduling medical appointments in order to take advantage of the “full coverage” MA benefits they are eligible for in months where their monthly deductible has been met.

This Administrative Law Judge has the authority to make a finding as to whether the Department properly applied its policies to Petitioner’s circumstance with respect to the issues outlined in BAM 600, including a denial of benefits or services. In this case, the Department has only denied “full coverage” MA benefits in months where Petitioners have not met their monthly deductible. Therefore, the Department has properly determined Petitioner’s eligibility for MA.


This Administrative Law Judge does not have the authority to provide Petitioners with advice on how to best manage their MA benefits and how to best meet their monthly deductible with covered MA services. The Department’s representative encouraged Petitioners to contact their caseworker with questions about whether they have been approved for “full coverage” MA benefits in any particular month.

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 acted in accordance with Department policy when it determined eligibility for Medical Assistance (MA) benefits with respect to both Petitioner and her husband.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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]