



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: May 3, 2017
MAHS Docket No.: 17-003123
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Marya Nelson-Davis

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. After due notice, a telephone hearing was held on April 5, 2017, from Lansing, Michigan. Petitioner appeared and testified in the telephone hearing from the [REDACTED] Department of Human Services Local Office. [REDACTED] appeared and testified as a witness on behalf of Petitioner. [REDACTED], Hearings Facilitator, represented the Department of Human Services (Department).

ISSUE

Did the Department properly determine that Petitioner was no longer eligible for Medical Assistance (MA)?

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 had been an ongoing MA recipient.
2. Effective December of 2016, the Department determined that Petitioner was no longer eligible for MA based on a failure to return a Supplemental Health Care Questionnaire-DHHS-1004.
3. On February 27, 2017, the Michigan Administrative Hearing System received Petitioner's hearing request, protesting the Department's MA eligibility determination.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of 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 Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, the Department acknowledged during the hearing that it improperly determined that Petitioner was no longer eligible for MA based on a failure to return the DHHS-1004, Supplemental Health Care Questionnaire. Apparently, this form was already in Petitioner's file.

DECISION AND ORDER

Accordingly, the Department's MA decision is **REVERSED**.

The Department is ORDERED to initiate another determination of Petitioner's eligibility for MA retro to the date of closure in accordance with Department policy within 10 days of the date of mailing of this Decision and Order.

MN-D/bb



Marya Nelson-Davis
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] via electronic mail

[REDACTED] via electronic mail

[REDACTED] via electronic mail

Petitioner

[REDACTED]