



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR



Date Mailed: June 28, 2017  
MAHS Docket No.: 17-004880  
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, a telephone hearing was held on June 6, 2017, from Lansing, Michigan. Petitioner was represented by himself and his spouse, [REDACTED]. The Department was represented by Family Independence Manager [REDACTED].

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) beginning May 1, 2017?

### **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 was an ongoing recipient of Medical Assistance (MA) based on disability. His eligibility was due for review during March 2017.
2. On February 27, 2017, the Department sent a Verification of Application or Appeal for SSI/RSDI (DHS-1552) to the [REDACTED] Social Security Administration (SSA) office.
3. On an unknown date, the [REDACTED] County Office submitted Petitioner's medical packet to the Medical Review Team.

4. On March 9, 2017, the [REDACTED] Social Security Administration (SSA) office reported that Petitioner had an application scheduled for March 13, 2017.
5. On March 29, 2017, Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated he was not eligible for Medical Assistance (MA) beginning May 1, 2017. The notice stated that the Medical Review Team (MRT) refused to make a decision regarding Petitioner medical packet based on their (MRT's) assertion that Petitioner had no SSA claim pending.
6. On April 10, 2017, Petitioner submitted a hearing request.
7. During this hearing FIM [REDACTED] pulled up an SOLQ for Petitioner. She stated it shows that Petitioner's SSA payment code status is N04 beginning January 1, 2017. Payment status code N04 is defined as NONPAY recipient's non-excludable resources exceed Title XVI limitations.

### **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.

Bridges Eligibility Manual (BEM) 260 Ma Disability/Blindness (7-1-2015) provides that eligibility for MA based on disability or blindness does not exist once an SSA determination that disability or blindness does not exist for SSI, is final. It also states that if SSI eligibility based on disability or blindness was terminated due to financial factors, continue medical eligibility for MA.

Beginning January 1, 2017, Petitioner's SSA payment status code was N04, which is defined as NONPAY recipient's non-excludable resources exceed Title XVI limitations.

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 closed Petitioner's Medical Assistance (MA) beginning May 1, 2017.

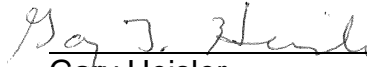
**DECISION AND ORDER**

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 Medical Assistance (MA) and determine his ongoing eligibility in accordance with Department policy.

GH/nr



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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]