RICK SNYDER GOVERNOR

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

SHELLY EDGERTON



Date Mailed: August 18, 2017 MAHS Docket No.: 17-007292

Agency No.:
Petitioner:

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; 42 CFR 438.400 to 438.424; 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 July 20, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by

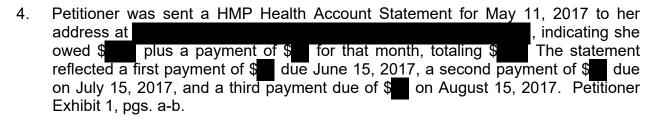
ISSUE

Did the Department properly determine the Petitioner's eligibility for Medicaid (MA) Healthy Michigan Program?

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 a recipient of the Plan First Program with an application filed on December 5, 2013. Department Exhibit 3, pgs. 1-2.
- 2. On January 13, 2014, the Department Caseworker sent Petitioner a Notice of Case Action that she was approved for the Plan First at Department Exhibit 4, pgs. 2-6.
- 3. On December 19, 2015, the Department sent Petitioner a notice to that her Plan First Program was cancelled and she was switched to HMP. Department Exhibit 1, pgs. 4-6.



- 5. On May 22, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1605, to that she requested that her assistance be stopped so her case was closed effective July 1, 2017. Department Exhibit 1, pgs. 7-9.
- 6. On May 25, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action with a new address of Department Exhibit 1, pg. 3.

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, Petitioner was a recipient of the Plan First Program with an application filed on December 5, 2013. Department Exhibit 3, pgs. 1-2. On January 13, 2014, the Department Caseworker sent Petitioner a Notice of Case Action that she was approved for the Plan First to

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Program was cancelled and she was switched to HMP. Department Exhibit 1, pgs. 4-6.

indicating she requested that her assistance be stopped, so her case was closed effective July 1, 2017. Department Exhibit 1, pgs. 7-9. On May 25, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action with a new address of Department Exhibit 1, pg. 3. BEM 137

During the hearing, Petitioner stated that she had moved and had not received the notice indicating she had been switched to the HMP on December 15, 2015. However, the HMP Health Account Statement for May 11, 2017, was sent to her address at and was received by Petitioner. She provided the Statement as an exhibit. Petitioner also provided a letter from her insurance company of Painters Union Insurance Fund that she had been active under her father since October 1, 2002, and will be insured until September 2017 where her coverage is month to month. Petitioner Exhibit 1, pg. d. However, the Petitioner failed to let the Department know that she had private insurance and to close her HMP case.

This Administrative Law Judge finds that Petitioner received notice of her transition to HMP and she could have closed her case at any point through the years, but chose not to do so until she received a bill in May 2017 for HMP coverage. When Petitioner called the Department Caseworker to request that her case be closed for HMP, the Department Caseworker closed her HMP case as quickly as possible with a verbal request instead of written request, which became effective July 1, 2017.

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 sent the Petitioner a notice that her Plan First was closed and that she was now enrolled in HMP. When requested, the Department closed her HMP effective July 1, 2017.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

Carmen G. Fahie

Administrative Law Judge for Nick Lyon, Director Department of Health and Human Services

Cormon Y. Salvie

CF/md

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

