



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: August 15, 2017
MAHS Docket No.: 17-007466
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 and her social worker from [REDACTED], [REDACTED], [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Assisted Payments Supervisor, and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medicaid (MA) and the Medicaid Cost Share (MCS) 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 MA and MCS benefits.
2. On April 17, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she was not eligible for MA and MCS effective February 1, 2017. Her annual income was \$ [REDACTED] but the MA income was \$ [REDACTED]. She was incorrectly given a deductible. Department Exhibit 1, pgs. 4-5.

3. On April 26, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she was eligible for MCS effective May 1, 2017, but still not eligible for MA. Her annual income was \$ [REDACTED] but the MA income was \$ [REDACTED]. Once again, BRIDGES was not correctly counting her income. Department Exhibit 1, pgs.6-8.
4. On May 25, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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 MA and MCS benefits. On April 17, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she was not eligible for MA and MCS effective February 1, 2017. Her annual income was \$10,464, but the MA income was \$ [REDACTED]. Department Exhibit 1, pgs. 4-5. On April 26, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she was eligible for MCS effective May 1, 2017, but not eligible for MA. Her annual income was \$ [REDACTED] but the MA income was \$ [REDACTED]. Once again, BRIDGES was not correctly counting her income. Department Exhibit 1, pgs.6-8. On May 25, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action. BAM 220. BEM 110, 125, and 126.

During the hearing, the Department Caseworker stated that they have issued a BRIDGES fix ticket ([REDACTED]) to fix the issue. Petitioner is eligible for full MA from February 1, 2017, through April 20, 2017. This Administrative Law Judge finds that Petitioner should be eligible for MA ongoing from February 1, 2017, and also eligible for MCS for the same contested time period.

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 did not act in accordance with Department policy when it determined that Petitioner was only

eligible for MA from February 1, 2017, through April 30, 2017. Petitioner should be eligible for MA and MCS from February 1, 2017, ongoing.

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 of initiating a redetermination of Petitioner's eligibility for MA and MCS retroactive to February 1, 2017, ongoing. The Department might have to amend the BRIDGES fix ticket ([REDACTED]) to fix the issue to include MCS retroactive to February 1, 2017, ongoing also.

Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits she may be eligible to receive, if any.

Carmen G. Fahie

CF/md

Carmen G. Fahie
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]

Petitioner

[REDACTED]