



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 8, 2017
MAHS Docket No.: 17-007291
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 August 8, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED].

ISSUE

Did the Department properly determine Petitioner's eligibility for Medicaid (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. On November 29, 2016, the Department received an online application for Petitioner for MA. Department Exhibit 1, pgs. 1-9.
2. On November 30, 2016, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, to provide additional written verification due on December 12, 2016, to the wrong address of [REDACTED] Department Exhibit 1, pg. 11-12.
3. On January 6, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner was eligible for full MA from November 1, 2016, to the wrong address of [REDACTED] Department Exhibit 1, pg. 13.

4. On February 16, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner was eligible for full MA from November 1, 2016, to the right address of [REDACTED] Department Exhibit 1, pg. 14.
5. On April 12, 2017, Petitioner sent an email to the Department Caseworker to please close her MA case because she was already receiving coverage of medical insurance through the [REDACTED]. In addition, she was appealing the MA for the months of November 2016 through April 2017 because she did not sign up for MA. She has been paying for medical insurance through the [REDACTED] during the contested time period and receiving cancer treatments at the [REDACTED] Department Exhibit 1, pgs. 17-21.
6. On April 13, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner was not eligible for full MA at Petitioner's request effective May 1, 2017, to the right address of [REDACTED] Department Exhibit 1, pgs. 5-16.
7. 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, the Department received an online application for Petitioner for MA on November 29, 2016. Department Exhibit 1, pgs. 1-9. On November 30, 2016, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, to provide additional written verification due on December 12, 2016, to the wrong address of [REDACTED] Department Exhibit 1, pg. 11-12.

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Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner was eligible for full MA from November 1, 2016, to the right address of [REDACTED] Department Exhibit 1, pg. 14.

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During the hearing, Petitioner stated that she did not apply for MA. She has always had insurance through the [REDACTED]. She has always been working and not income eligible for MA. Whoever filed the application on November 1, 2016, did not have access to her income and put in an estimate of \$[REDACTED] which gave her a presumptive eligibility for MA. Petitioner's address did not include her apartment number so she did not receive the Department's notices until February 16, 2017. Petitioner never returned any verifications, but there was a presumptive eligibility for MA.

This Administrative Law Judge finds that Petitioner was not income eligible for MA and she had insurance through the [REDACTED] from November 1, 2016, through April 30, 2017. Petitioner did not have notice that someone had applied on her behalf because they left her apartment number off of the address so that she did not get the notices sent by the Department. When she did get notice, she did timely request the Department to close her MA case.

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 approved Petitioner for MA benefits based on the information contained on the application because she was working and not income eligible for MA. In addition, she had insurance through the Marketplace during the contested time period.

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 removing MA coverage for Petitioner from November 1, 2016,

through April 30, 2017, because Petitioner was not income eligible for MA and she already had insurance through the [REDACTED]

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/he 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]