



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: October 16, 2017  
MAHS Docket No.: 17-011770  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Landis Lain**

### **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, telephone hearing was held on October 5, 2017, from [REDACTED], Michigan. The Petitioner was represented by [REDACTED] and [REDACTED], of [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], AP Supervisor and [REDACTED], Case Worker.

### **ISSUE**

Did the Department properly determine that Petitioner had excess assets for purposes of Medical Assistance (MA) eligibility?

### **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 [REDACTED], the Department received an application for Medical Assistance for Petitioner.
2. On [REDACTED], the Department denied Petitioner's case stating that Petitioner had excess assets.
3. On [REDACTED], the Department sent Petitioner a Healthcare Coverage Determination Notice indicating that Petitioner was ineligible to receive MA based upon excess assets.

4. The Department failed to send notice to Petitioner's Authorized Representative.
5. The Department caseworker conceded on the record that the case was denied incorrectly for excess assets. Bridges looked at old asset information.
6. The case was reviewed and re-evaluated. The Department processed the case and determined that Petitioner was eligible to receive Medical Assistance with a start date of [REDACTED].
7. The Department determined that Petitioner should also be eligible for QMB coverage from [REDACTED], forward.
8. On [REDACTED], the Michigan Administrative Hearing System received a Request for Hearing to contest the start date of QMB service.
9. At the hearing, the Department caseworker conceded on the record that the case should be re-evaluated and the proper QMB date should be determined.

#### **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.

The Department caseworker conceded on the record that Petitioner's QMB case should be open from [REDACTED], forward, in conjunction with Petitioner's Medicaid eligibility. The Department decision must be reversed.

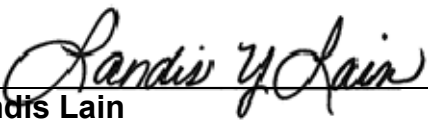
#### **DECISION AND ORDER**

Accordingly, the Department's decision to determine Petitioner eligible for QMB from [REDACTED], 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. Re-evaluate Petitioner's Medicaid case and determine the proper begin date for QMB coverage in accordance with Department policy.

LL/hb

  
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**Landis Lain**  
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]

**Authorized Hearing Rep.**

[REDACTED]

**Petitioner**

[REDACTED]