



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 27, 2017
MAHS Docket No.: 17-010904
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 September 27, 2017 from Detroit, Michigan. The Petitioner appeared for the hearing with his wife [REDACTED] and represented himself. Petitioner's daughter [REDACTED] served as Arabic interpreter. The Department of Health and Human Services (Department) was represented by Juana Spencer.

ISSUE

Did the Department properly process the Medical Assistance (MA) benefits for Petitioner's wife and subsequently close her MA case?

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 is an ongoing recipient of MA benefits under case number [REDACTED]. There has been no lapse in Petitioner's MA coverage and no issue was presented regarding his MA eligibility. (Exhibit B)
2. Petitioner's wife [REDACTED], was previously approved for MA benefits on a different case than her husband. [REDACTED] case number was [REDACTED]. (Exhibit A)
3. Nouha Mouzahem's MA case closed effective August 1, 2017. (Exhibit A)

4. There was no evidence presented that the Department notified Petitioner or his wife of the closure of [REDACTED] MA case effective August 1, 2017 or the reason for intended action.
5. Although the Department asserted that Petitioner's wife's MA case closed due to a failure to return a Wage Match, there was no documentary evidence presented in support of this assertion.
6. On August 10, 2017 Petitioner's wife requested a hearing disputing the closure of her MA case.

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 evidence established that for an unexplained reason, Petitioner and his wife were approved for MA under two different case numbers and under two different MA categories of coverage. There was no issue with Petitioner's MA case, as his benefits were active and ongoing with no lapse. Petitioner and his wife clarified that at issue was MA benefits only for Petitioner's wife. The Department presented an eligibility summary which showed that [REDACTED] MA case closed effective August 1, 2017 (Exhibit A). Petitioner and his wife testified that they did not receive any notice of the case closure such as a Health Care Coverage Determination Notice or other eligibility notice advising of the effective date of the case closure or the reason for intended action. Petitioner and his wife stated that they became aware of the case closure when they went to the pharmacy and were informed that [REDACTED] medications were no longer covered by insurance.

At the hearing, the Department searched correspondence and determined that on June 29, 2017 a Health Care Coverage Determination Notice was issued on [REDACTED] case (Case Number [REDACTED]) advising of the closure of MA benefits for the children due to a failure to return a Wage Match but the notice did not reference [REDACTED] MA eligibility. There was also no Wage Match presented for review, thus, it was unknown when the

Wage Match was sent, when it was due, and when it was returned, if at any point. BAM 802 (April 2017), pp. 1-3.

Additionally, the Department confirmed that no Health Care Coverage Determination Notice and no other eligibility notice was issued advising ██████ of the closure of her MA case effective August 1, 2017 as required by Department policy. BAM 220 (July 2017), pp. 2-5, 22-23. Thus, although the Department stated that ██████ was ineligible for MA effective August 1, 2017 due to a failure to return a Wage Match, the Department did not present sufficient evidence to support the case closure.

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 closed Petitioner's wife's MA case effective August 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 wife's MA case effective August 1, 2017, ongoing;
2. Provide Petitioner's wife with MA coverage under the most beneficial category for August 1, 2017 ongoing, and supplement Petitioner's wife and her provider(s) for any missed MA benefits from August 1, 2017, ongoing; and
3. Notify Petitioner and his wife in writing of its decision.

ZB/tlf



Zainab A. Baydoun
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

Via Email:

MDHHS-Wayne-19-Hearings
BSC4 Hearing Decisions
EQAD
M. Best

Petitioner – Via First-Class Mail:

