



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: January 19, 2018
MAHS Docket No.: 17-013758
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, an in-person hearing was held on December 20, 2017, from [REDACTED] Michigan. Petitioner was represented by herself. Petitioner's husband and household member [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by [REDACTED], FIM. [REDACTED], AP Specialist, appeared and testified. Department Exhibit 1, pp. 1-42 was received and admitted. Department Exhibit 2, pp. 1-40.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) benefit?

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 May 18, 2017, redetermination paperwork was submitted by Petitioner.
2. On June 19, 2017, Petitioner submitted a letter contesting a contribution or co-payment amount paid by her husband on her behalf.
3. On June 20, 2017, pursuant to a case review, it was discovered that there was an error in budgeting [REDACTED] annuity income.

4. On July 3, 2017, a Health Care Coverage Determination was sent stating that [REDACTED] was no longer eligible for MA due to excess assets.
5. On July 10, 2017, a letter was sent to Petitioner stating that an error was made in calculating income. (Ex.1, p.27)
6. On October 5, 2017, Petitioner requested hearing raising issues with regard to co-pays and [REDACTED] MA eligibility.
7. On November 27, 2017, Petitioner requested hearing raising the same issues.
8. Petitioner testified at hearing that she is satisfied with her current MA-HMP benefit. Petitioner's husband receives MA-AdCare.
9. Petitioner received refunds/adjustments in the amounts of \$ [REDACTED] in April 2017 and \$ [REDACTED] in May 2017 for contributions/co-pay amounts that were improperly assessed.

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.

All Programs

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days BAM 600 (January 2017)

In this case, Petitioner stated at hearing that she is satisfied with her current ongoing MA benefit. Both Petitioner and her husband have MA coverage without a deductible, Petitioner has HMP and [REDACTED] has MA-AdCare. [REDACTED] was able to verify that he is asset eligible for MA.

Petitioner raised issues with regard to the incorrect budgeting of her husband's annuity payments and whether they were reimbursed the correct amounts for the co-pays and contributions that they paid that they should not have been required to pay. Petitioner

raised issues with regard to whether they received their complete case file. The Department witnesses at hearing testified and presented documents regarding how the error occurred with regard to the budgeting of [REDACTED] annuity payment, it was described as a computer glitch. The Department presented credible testimony and documents showing how the error was corrected. Petitioner and her husband wanted further explanation and documentation regarding how the error occurred, but the Department witnesses credibly testified that there was no additional documentation.

Petitioner and her husband raised issues at hearing and in documents that they submitted to the Department regarding payments made by [REDACTED] between March 2016 and January 2017. Petitioner's husband raised issues with regard to a dental bill from 2015. Petitioner's husband raised issues with regard to his FAP benefit closing in the month he receives his annuity payment. The undersigned Administrative Law Judge only has jurisdiction to address Department action that occurred within 90 days of Petitioner's requests for hearing. Petitioner requested hearing on October 5, 2017, and November 27, 2017. Issues that arose prior to July 5, 2017, cannot be addressed because that was more than 90 days prior to the request for hearing. BAM 600.

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 determined Petitioner's MA eligibility.

DECISION AND ORDER

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

AM/md



Aaron McClintic
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]