



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 1, 2018
MAHS Docket No.: 17-013897
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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 November 27, 2017, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Worker/Hearing Coordinator.

ISSUE

Did the Department properly close Petitioner's household member's Medical Assistance under Healthy Michigan Plan (MA-HMP) effective November 1, 2017?

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's spouse, [REDACTED], (PC) was an ongoing recipient of MA-HMP.
2. On September 27, 2017, Petitioner submitted the semi-annual contact report with information that differed from the information the Department had regarding the Petitioner and PC. [Exhibit A, pp. 22-23.]
3. In November 2017, PC became eligible for Medicare as he was turning [REDACTED] years of age. [Exhibit A, pp. 8-9.]

4. On October 6, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice notifying her that PC was no longer eligible for medical assistance under HMP because he had become eligible for Medicare. [Exhibit A, pp. 4-7.]
5. On October 16, 2017, the Department received Petitioner's request for hearing disputing the determination that PC was not eligible for MA under the Healthy Michigan Plan (HMP).

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 requested a hearing to dispute the Department's decision to close PC's MA-HMP benefits. On October 6, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that PC's MA-HMP benefits would close because he would become eligible for Medicare due to him attaining age [REDACTED] HMP provides health care coverage for individuals who are 19-64 years of age, do not qualify for or are not enrolled in Medicare and other categories of individuals that are not relevant to this case. BEM 137 (October 2016), p. 1. The Department followed policy when it closed PC's MA-HMP benefits.

DECISION AND ORDER

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 closed Petitioner's spouse's MA-HMP benefits.

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



DM/jaf

Denise McNulty

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]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

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