



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 6, 2018
MAHS Docket No.: 17-016067
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 February 1, 2018, from Detroit, Michigan. The Petitioner was represented by her guardian, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED], Assistance Payments Worker.

ISSUE

Did the Department properly deny Petitioner Medical Assistance (MA) program coverage?

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 began receiving Supplement Security Income (SSI) in October 2017.
2. On November 3, 2017, Petitioner applied for MA benefits.
3. On December 1, 2017, the Department issued a Health Care Coverage Determination Notice (HCCDN) indicating that Petitioner was not eligible for MA benefits because she was receiving SSI.
4. On December 7, 2017, Petitioner's Guardian submitted a hearing request disputing the Department's denial of MA coverage for Petitioner.

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 denied MA coverage to Petitioner based upon her receipt of SSI benefits beginning in October 2017.

MA is available (i) under SSI-related categories to individuals who are aged 65 or older, blind or disabled; (ii) to individuals who are under age 19, parents or caretakers of children, or pregnant or recently pregnant women; and (iii) to individuals who meet eligibility criteria for Health Michigan Plan (HMP) coverage. BEM 105 (April 2017), p. 1; BEM 137 (October 2016), p. 1.

In finding the Petitioner ineligible for MA benefits, the Department relied upon BEM 211 to say that Petitioner was not eligible for MA benefits. BEM 211 provides in part that SSI recipients cannot be fiscal or asset group members. BEM 211 (January 2016), p. 7. The Department provided no evidence that Petitioner was part of a larger group. In the absence of other group members, BEM 211 would not apply. If Petitioner is the sole group member, her MA application should have been processed pursuant to BEM 150 which states that SSI recipients are automatically eligible for MA benefits if the client is both a Michigan resident and cooperates with third-party resource liability requirements. BEM 150 (April 2017), p. 1. No evidence was presented that Petitioner is not a Michigan resident nor that she failed to cooperate with third-party resource liability requirements.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it found Petitioner ineligible for MA benefits.

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. Reprocess Petitioner's November 2017 application for MA benefits;
2. Provide Petitioner with MA coverage that she was eligible to receive but did not in accordance with policy; and
3. Notify Petitioner in writing of its decision.



AM/

Amanda M. T. Marler

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]
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