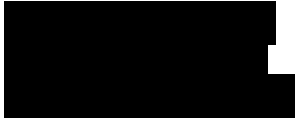




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: March 28, 2018
MAHS Docket No.: 17-017061
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on February 28, 2018, from [REDACTED] Michigan. Petitioner represented herself and [REDACTED] testified on her behalf. The Department was represented by [REDACTED] Hearing Facilitator. [REDACTED] acted as an interpreter for Petitioner until the telephone connection was lost and then and [REDACTED] acted as interpreter for Petitioner.

ISSUE

Did the Department of Health and Human Services (Department) properly determined Petitioner's eligibility for Medical Assistance (MA)?

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 was an ongoing Medical Assistance (MA) recipient.
2. On January 21, 2016, the Department sent Petitioner a Verification Checklist (DHS-3503) with a February 1, 2016, due date. Exhibit A, p 2.
3. On February 10, 2016, the Department notified Petitioner that she was no longer eligible for Medical Assistance (MA) benefits effective March 1, 2016. Exhibit A, pp 3-6.
4. On March 4, 2016, the Department received Petitioner's application for Medical Assistance (MA).

5. On December 21, 2018, the Department received Petitioner's request for a hearing protesting the denial of Medical Assistance (MA) benefits. Exhibit A, pp 11-12.

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 applications, redeterminations, referrals, initial asset assessments, member adds, and program adds must be registered on Bridges. Department of Health and Human Services Bridges Administrative Manual (BAM) 110 (January 1, 2018), p 19.

Petitioner was an ongoing MA recipient when the Department sent her a Verification Checklist (DHS-3503) with a February 1, 2016, due date. On February 10, 2016, the Department notified Petitioner that her MA benefits would close effective March 1, 2016.

The hearing record supports a finding that Petitioner re-applied for MA benefits on March 4, 2016. No evidence was entered into the record that this application was approved or denied.

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 failed to process Petitioner's March 4, 2016, application for Medical Assistance (MA).


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:

Re-register Petitioner's March 4, 2016, application for Medical Assistance (MA) and initiate a determination of the Petitioner's eligibility for Medical Assistance (MA) effective March 1, 2016.

KS/nr



Kevin Scully
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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]