



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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Date Mailed: July 24, 2018
MAHS Docket No.: 18-004718
Agency No.: 118657332
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 July 5, 2018, from Lam, Michigan. Petitioner was represented by herself and her authorized hearing representative and advocate, ██████████, from Training and Treatment Innovation of Community Mental Health. The Department of Health and Human Services (Department) was represented by Robin White, Eligibility Specialist and Darrin McMurty, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medical Assistance Program (MAP) under the Freedom to Work (FTW) MAP?

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 applied for MA under the FTW MAP.
2. On March 2, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that she was eligible for MA with \$1,097 monthly deductible starting April 1, 2018, ongoing. Department Exhibit 1, pgs. 8-11.

3. On April 27, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.
4. Subsequently, Petitioner's case was reviewed by the Department where the determination was made that Petitioner was eligible for MA under the FTW MAP, which waives the monthly deductible amount.
5. On May 2, 2018, a BRIDGES ticket BRO3928272 to override the deductible due to income because of FTW MAP retroactively to April of 2018.

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 is entitled to FTW MAP with no deductible. However, BRIDGES was counting her income in error and giving her a monthly deductible. Although a BRIDGES ticket was generated on May 2, 2018, the issue has not been fixed. Petitioner is without her MA benefit.

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 issued a BRIDGES BRO3928272 ticket to fix the issue of Petitioner having a deductible instead of the deductible being waived due to FTW MAP.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to FTW MAP eligibility and **REVERSED IN PART** with respect to MA deductible and BRIDGES BRO3928272 ticket, which is still not fixed even though it was opened on May 2, 2018.

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 to expedite the ticket to fix the issue of BRIDGES BRO3928272.

Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits she may be eligible to receive, if any.



CF/dh

Carmen G. Fahie
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) 763-0155; 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

Lori Duda
30755 Montpelier Drive
Madison Heights, MI 48071

Oakland County (District 2), DHHS

BSC4 via electronic mail

D. Smith via electronic mail

EQAD via electronic mail

Petitioner

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Authorized Hearing Rep.

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