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Date Mailed: July 30, 2018
MAHS Docket No.: 18-005562
Agency No.: [redacted]
Petitioner: [redacted]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 conference administrative hearing was held on July 25, 2018 from Lansing, Michigan. The Petitioner appeared and testified. The Department of Health and Human Services (Department) was represented by Kelly Duran, ES Worker. About half way through the hearing, Brenda Drewnicki, Hearings Facilitator appeared.

ISSUE

Did the Department properly deny Petitioner's MA application?

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 April 18, 2018 Petitioner applied for MA, including three months of retro MA. Petitioner put on his electronic application that his group size was one, and that there was only one person in his household.

2. On May 16, 2018 the Respondent denied Petitioner's MA on the grounds that his countable income exceeded the income limit for a group size of one. (Exhibit A.4).

3. On May 25, 2018 Petitioner filed a hearing request arguing that he has four in his household and his income was reduced due to subsequently losing his job after he applied. (Exhibit A; Petitioner's Testimony).

4. Petitioner subsequently reapplied along with retro MA, not at issue here.

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.

Specific policy applicable herein is found in BAM 105, 110; BEM 501; 42 CFR 435.4.

In this case, Petitioner argued that his household size was actually four, and not one, and thus he should be eligible. However, Petitioner indicated on his application that his household was one. Petitioner argued that he relied on representations made a caseworker who assisted him with his application. However, the Respondent pointed out that Petitioner's application was filed on line and Petitioner would not have had assistance from a case worker.

While there are times when a department representative gives misinformation, even in cases where such is clearly established with evidence, such would not entitle an individual to prevail in an administrative hearing. Benefits cannot be granted where an individual's file does not contain verifications which would indicate that an applicant is eligible.

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 denied Petitioner's application based on these facts.

As noted at the administrative hearing, this decision does not review Petitioner's subsequent application and in no way impacts potential eligibility that Petitioner may have pursuant to his subsequent application.

DECISION AND ORDER

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

JS/nr

Janice Spodarek
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

Tolisha Bates
21885 Dunham Road
Clinton Twp., MI
48036

Macomb 12 County DHHS- via electronic mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

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