



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: August 15, 2018
MAHS Docket No.: 18-006272
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 9, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Lynda Brown, hearing facilitator, and Ashlee Brown, specialist.

ISSUE

The issue is whether MDHHS resolved Petitioner's dispute concerning Medical Assistance (MA) eligibility.

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 June 7, 2018, MDHHS mailed Petitioner a Health Care Coverage Determination Notice. The notice informed Petitioner of a termination of MA benefits, effective July 2018, due to Petitioner's failure to verify information. (Exhibit A, pp. 4-5)
2. On June 20, 2018, MDHHS received Petitioner's hearing request disputing MA. (Exhibit A, pp. 2-3)
3. On June 25, 2018, MDHHS approved Petitioner for Medicaid, effective July 2018. (Exhibit A, p. 6)

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

On June 20, 2018, Petitioner requested a hearing to dispute a termination of Medicaid, effective July 2018. The stated basis for termination, per MDHHS' case summary, was Petitioner's failure to verify information. MDHHS' summary also acknowledged that the termination of Petitioner's Medicaid eligibility was improper. On June 25, 2018, MDHHS corrected their acknowledged error and approved Petitioner for Medicaid from July 2018. Given the evidence, Petitioner's dispute appears resolved.


As it happened, in August 2018, MDHHS sent Petitioner another notice of Medicaid closure. The basis for closure was Petitioner's alleged failure to return renewal documents. Petitioner testified that she wanted to use the hearing to address the recent threat of Medicaid closure. Unfortunately for Petitioner, administrative hearing jurisdiction is limited to addressing only MDHHS actions disputed in the hearing request. The threat of closure to Petitioner's Medicaid case from August 2018 is an action that Petitioner can dispute by requesting another hearing.

Given the evidence, MDHHS resolved the threat of Medicaid closure raised by Petitioner's hearing request. Accordingly, Petitioner's hearing request will be dismissed.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS resolved Petitioner's MA dispute from July 2018. Petitioner's hearing request is **DISMISSED**.

CG/



Christian Gardocki
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

Lauren Casper
MDHHS-Macomb-20-Hearings

Petitioner

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