



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED] MI [REDACTED]

Date Mailed: September 4, 2018
MAHS Docket No.: 18-006679
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator Christine Brown. Ms. Brown testified on behalf of the Department. The Department submitted 23 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly close the Petitioner's Medicaid program based on excess income?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 6, 2018, the Department mailed the Petitioner a New Hire form, due by June 18, 2018. [Dept. Exh. 1].
2. On June 13, 2018, the Petitioner returned the completed New Hire form which indicated a hire date of July 31, 2017 [sic 2018]. The employment report indicated that the Petitioner was hired at \$ [REDACTED] an hour for a 40-hour week. [Dept. Exh. 8-16].

3. On August 9, 2018, during the hearing in the above-captioned case, the Petitioner did not dispute the income used by the Department in determining her Medicaid eligibility.
4. On June 20, 2018, the Department mailed the Petitioner a Health Care Coverage Determination Notice, indicating she was no longer eligible for Medicaid from August 1, 2018 ongoing. [Dept. Exh. 4-7].
5. On June 22, 2018, the Petitioner submitted a Request for Hearing, contesting the closure of Medicaid based on her medical condition and the cost of her medications. [Dept. Exh. 2-3].

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.

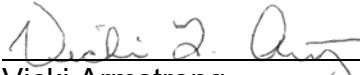
In this case, the Petitioner began working in July 2017 and failed to notify the Department of her employment within 10 days. On June 6, 2018, the Department mailed the Petitioner a New Hire form to be completed by the employer and returned to the Department by June 16, 2018. The Department received the completed New Hire form on June 13, 2018. A redetermination was completed, and a Health Care Coverage Determination Notice was mailed to the Petitioner indicating her Medicaid was closed effective August 1, 2018 ongoing. The Petitioner did not dispute the income used by the Department in determining her eligibility for Medicaid.

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 closed Petitioner's Medicaid case.

DECISION AND ORDER

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

VLA/nr



Vicki Armstrong
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

Randa Chenault
25620 W. 8 Mile Rd
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48033

Oakland 3 County DHHS- via electronic
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Petitioner

[REDACTED] MI