



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 15, 2018
MAHS Docket No.: 18-007020
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 and her husband, [REDACTED] personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Lead Worker Lacy Miller and Supervisor Stephanie Speckin. Ms. Miller and Ms. Speckin testified on behalf of the Department. The Department submitted 20 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

1. Did the Department properly determine that Petitioner had a monthly deductible for the Medicaid program?
2. Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility?
3. Did the Department properly determine Petitioner's eligibility for the Medicare Savings Program?

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 11, 2018, Petitioner submitted the Semi-Annual Contact Report to the Department. Petitioner indicated on the report, "no changes in the last 6 months." [Dept. Exh. 2-4].

2. On June 28, 2018, the report was processed, and Petitioner's benefits were certified. The FAP determination of \$180.00 per month remained the same. [Dept. Exh. 2].
3. On June 28, 2018, the Department mailed Petitioner a Health Care Coverage Determination Notice, notifying Petitioner and her husband, that they were approved for a \$1,312.00 monthly deductible beginning August 1, 2018 ongoing. [Dept. Exh. 5-9].
4. On July 6, 2018, Petitioner submitted a Request for Hearing, contesting the \$1,312.00 monthly deductible, FAP and Medicare Cost Share program.
5. During the hearing, the Department credibly testified that there were no changes in Petitioner's FAP or Medicare Cost Share program benefits at the time the request for hearing was submitted.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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.

As an initial matter, as of the July 6, 2018, Request for Hearing, Petitioner's FAP benefits and the Medicare Cost Share benefit had not changed. Therefore, there are no issues to address regarding FAP and the Medicare Cost Share program and the hearing request regarding those two programs is dismissed.

In this case, Petitioner's daughter turned [REDACTED]-years-old in June 2018. As a result, the Department mailed Petitioner a Health Care Coverage Determination Notice, notifying

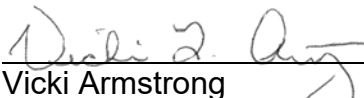
Petitioner that because her daughter turned ■-years-old, her Medicaid changed to a monthly deductible. Petitioner did not dispute that her daughter was now ■

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 changed Petitioner's Medicaid benefit to a monthly deductible.

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

Erin Bancroft
105 W. Tolles Drive
St. Johns, MI
48879

Clinton County DHHS- via electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI
[REDACTED]