

Date Mailed: January 11, 2019 MAHS Docket No.: 18-011603

Agency No.:

Petitioner:

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

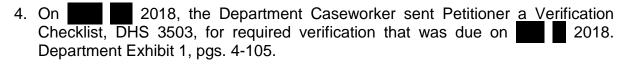
ISSUE

Did the Department properly determine Petitioner's eligibility for Medical Assistance (MA)?

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 Example 2018, and 2018, Petitioner applied for MA. Department Exhibit 1, pgs. 4-105.
- 2. On 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, for required verification that was due on Department Exhibit 1, pgs. 4-105.
- 3. On 2018, Petitioner's MA case was incorrectly approved effective 2018 ongoing. Department Exhibit 1, pgs. 4-105.



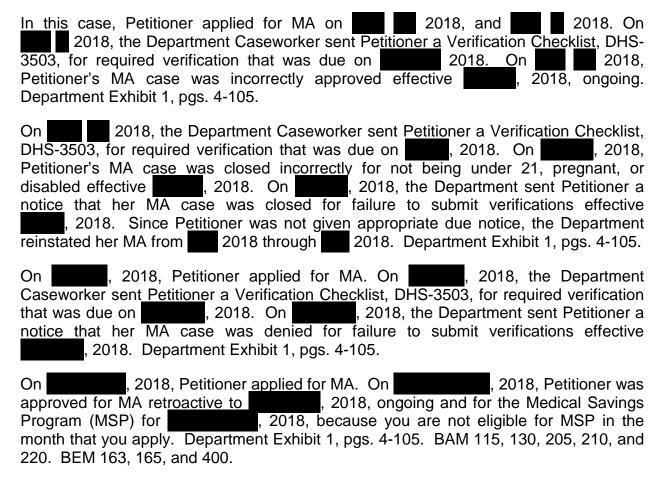
- 5. On 2018, Petitioner's MA case was closed incorrectly for not being under 21, pregnant, or disabled effective pgs. 4-105.
- 6. On 2018, the Department sent Petitioner a notice that her MA case was closed for failure to submit verifications effective 2018. Department Exhibit 1, pgs. 4-105.
- 7. Since Petitioner was not given appropriate due notice, the Department reinstated her MA from 2018 through 2018. Department Exhibit 1, pgs. 4-105.
- 8. On 2018, Petitioner applied for MA. Department Exhibit 1, pgs. 4-105.
- 9. On 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, for required verification that was due on 2018. Department Exhibit 1, pgs. 4-105.
- 10.On 2018, the Department sent Petitioner a notice that her MA case was denied for failure to submit verifications effective 2018. Department Exhibit 1, pgs. 4-105.
- 11.On September 27, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action. Department Exhibit 1, pgs. 4-105.
- 12. On pgs. 4-105.
- 13. On 2018, Petitioner was approved for MA retroactive to 2018, ongoing and for the Medical Savings Program (MSP) for 2018, because you are not eligible for MSP in the month that you apply. Department Exhibit 1, pgs. 4-105.

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.



During the hearing, Petitioner stated that she tried to comply, but was not sure what verifications the Department required to determine eligibility. A review of the Verification Checklists confirmed that they were not clear, which bank account the Department required to determine eligibility. The Department eventually got the required bank account verifications to determine Petitioner's eligibility for MA. She received MA during the contested time period, but not MSP for April 2018, and August through October 2018. The Department is ordered to redetermine eligibility for MSP for the contested months.

DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it

determined the Petitioner's eligibility for MSP in 2018, and 2018 through 2018.

Accordingly, the Department's decision is **AFFIRMED** for MA and **REVERSED** for MSP.

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 and order of initiating a redetermination of Petitioner's eligibility for MSP in April 2018, and August through October 2018.

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/hb

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**

Amber Gibson 5303 South Cedar PO BOX 30088 Lansing, MI 48911

Ingham County, DHHS

BSC2 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

MI

Authorized Hearing Rep.

