



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: February 8, 2019
MAHS Docket No.: 18-012553
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 January 9, 2019, from Lansing, Michigan. Petitioner was represented by himself and his wife, [REDACTED]. The Department of Health and Human Services (Department) was represented by Brenda Drewnicki, Hearing Facilitator.

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. Petitioner was a recipient of MA Low Income Families (LIF).
2. On [REDACTED] 2018, Petitioner applied for Food Assistance Program (FAP), which triggered an [REDACTED] 2018, policy change that made their income countable for MA.
3. On October 5, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that he was not eligible for MA due to excess income, resulting in a medical deductible. Department Exhibit 1, pgs. 1a-5a.

4. On November 14, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that he was not eligible for MA due to him not being under 21, caretaker of a minor child in your home, not over 65 aged, blind, or disabled. Department Exhibit 1, pgs. 9-10.
5. On November 20, 2018, the Department received a hearing request from Petitioner contesting the Department's negative action.
6. Due to a deficient denial notice, Petitioner case was reinstated on November 27, 2018, and is again pending for bank statements.
7. On November 27, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, that was due December 7, 2018, for Petitioner to submit written verification to determine eligibility for MA. Department Exhibit 1, pgs. 12-13.

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, Petitioner failed to provide required verification of asset information of bank statements timely to determine MA eligibility. On November 14, 2018, Petitioner's case was denied for failure to provide required verification. Since Petitioner's case for MA was denied due to a deficient denial notice, the Department Caseworker reinstated Petitioner's MA case on November 27, 2018, and a new DHS-3503 was sent out that was due December 7, 2018. BAM 220. BEM 110, 125, 126, 135, 163, and 166. 42 CFR 435.310.510.


During the hearing, the Department confirmed that they had received the required asset verification timely of the bank statement. It did take a while due to the backlog of the Electronic Case File (ECF) system. Petitioner's MA case is still pending, and the Department has not made an eligibility determination yet but has received the required verification to determine eligibility for MA with a deductible.

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 acted in accordance with Department policy when it reinstated the MA case to redetermine MA eligibility.

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

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Robert Gordon, 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 County (District 12), DHHS

BSC3 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

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