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

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

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Date Mailed: February 21, 2019
MAHS Docket No.: 18-013423
Agency No.: ████████
Petitioner: █████ ██

ADMINISTRATIVE LAW JUDGE: Vicki L. 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 February 14, 2019, from Lansing, Michigan. Petitioner personally appeared and testified.

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

ISSUE

Did the Department properly determine that Petitioner's income exceeded the income limit for Medicaid?

FINDINGS OF FACT

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

1. On November 7, 2018, the Department issued Petitioner a Wage Match Client Notice, requesting Petitioner provide updated income verification by December 7, 2018. [Dept. Exh. 1].

2. On December 5, 2018, Petitioner submitted updated income information. [Dept. Exh. 1].

3.   On December 11, 2018, the Department mailed the Petitioner a Health Care Coverage Determination Notice informing her that as of January 1, 2019, she was no longer eligible for Medicaid. [Dept. Exh. 4-6].

4.   On February 19, 2019, ██ ████ credibly testified during the hearing in the above-captioned matter that the Department failed to include any evidence in the hearing packet showing how the Department determined that Petitioner's income was over the income limit for the Medicaid program.   [Testimony of ████████, ██ 2019].

5.   On December 20, 2018, Petitioner submitted a request for hearing contesting the denial of Medicaid. [Resp. Exh. 2].

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.

The principles that govern judicial proceedings also apply to administrative hearings. The burden of proof is on the Department to prove, by a preponderance of the evidence, that relevant and accurate evidence exists when denying benefits to a claimant. The Administrative Law Judge must consider and weigh the testimony of all witnesses and evidence.

When a hearing is requested, the presiding Administrative Law Judge conducts a *de novo* review, in which the Department has the threshold burden to prove, by a preponderance of the evidence, that the Department properly denied benefits to a claimant. A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. It is simply that evidence which outweighs the evidence offered to oppose it *Martucci v Detroit Commissioner of Police*, 322 Mich 270; 33 NW2d 789 (1948).

In this case, the Department failed to present any evidence that showed what income or pay stubs were used in determining that Petitioner was over the income limit for the Medicaid program.

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 denied Petitioner's Medicaid.
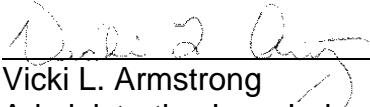
DECISION AND ORDER

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

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:

1. Redetermine Petitioner's eligibility for the Medicaid program.

2. Issue an updated Health Care Coverage Determination Notice with the results of the redetermination.

VLA/nr

Vicki L. Armstrong
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:

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Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

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DHHS

Susan Noel
26355 Michigan Ave.
Inkster, MI
48141

Wayne 18 County DHHS- via electronic mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

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