



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

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██████████ MI ██████████

Date Mailed: March 21, 2019
MAHS Docket No.: 19-000593
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 March 13, 2019, from Lansing, Michigan. Petitioner's son, ██████████, assisted Petitioner and translated. The Department did not object. The Department of Health and Human Services (Department) was represented by Haysen Hosny, ES Worker and Hearings Coordinator.

ISSUE

Did the Department properly deny Petitioner's ██████████ ██████████ 2018, Medicaid application on the grounds of excess income?

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 ██████████ ██████████ 2018, Petitioner applied for Medicaid with the Michigan Department of Health and Human Services (Respondent or Department).
2. Petitioner's household consists of herself and her spouse.
3. On ██████████ ██████████ 2018, Petitioner submitted employment verification for her spouse stating that he earns ██████████ per week. The Department representative indicated that the verification was sufficient even though it was not on a Verification of Employment form. Exhibit 2.1.

4. On January 7, 2019, the Department issued a Health Care Coverage Determination Notice stating that Petitioner and her spouse are not eligible for HMP health care coverage on the grounds that “countable income exceeds income limit for your group size”, and that the household annual income was [REDACTED]. Exhibit 3.5.
5. On January 4, 2019, Petitioner filed a hearing request.
6. At the administrative hearing, the Department stipulated that the information in Bridges indicating that Petitioner’s household has income other than \$300.00 per week is a “system error”. The Department agreed to reprocess Petitioner’s application.

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 requested an administrative hearing, arguing that she was repeatedly denied and that the information the Department is using is not correct. The Department at the administrative hearing stated that the verification of income provided by Petitioner was sufficient, and that the information in Bridges showing household income over \$32,000.00 was incorrect and constituted a system error. As such, the Department representative stated that the Department will reprocess Petitioner’s application only using the [REDACTED] per week income, as verified by Petitioner’s spouse’s employer. BEM 400; 42 CFR 435.119.

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 did not act in accordance with Department policy when it denied Petitioner’s application. The Department stipulated that it will reprocess Petitioner’s application.

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. Reprocess Petitioner's Medicaid application using the earned income employment source stipulated to by the Department as the only correct income, and,
2. Reassess Petitioner's eligibility under the most favorable MA category, and
3. Open an MA case if otherwise eligible, and
4. Issue any supplemental benefits to Petitioner to which she may be entitled, if otherwise eligible.

JS/dh



Janice Spodarek
Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

