



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 28, 2019
MAHS Docket No.: 19-000667
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 14, 2019, from Detroit, Michigan. Petitioner was represented by his Authorized Hearing Representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by Deric Murphy, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medicaid (MA) benefits from the Department?

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 an ongoing recipient of MA benefits from the Department.
2. On November 1, 2018, Petitioner submitted an application for MA benefits to the Department.
3. On February 6, 2019, the Department denied Petitioner's application for MA benefits.
4. Petitioner submitted to the Department a request for hearing objecting to the Department's actions taken with respect to Petitioner's MA 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's November 2018 MA application was denied. After Petitioner submitted a request for hearing objecting to the Department's action, the matter was forwarded to the Michigan Administrative Hearing System (MAHS) for a hearing to determine whether the Department's action was taken in compliance with law and policy.

When a matter is forwarded to MAHS for a hearing, the Department has a duty to provide to MAHS and the client a hearing packet consisting of a statement of the case along with all supporting documentation needed to explain the outcome of the case. BAM 600 (October 2018), pp. 9-10. That includes any Health Care Coverage Determination Notice and a copy of all documents the Department intends to offer as exhibits in the hearing. BAM 600, p. 10.

Petitioner, through his Authorized Representative, requested a hearing because Petitioner believed that the Department was not properly providing MA benefits that he had been approved for previously. At the start of the hearing, it became clear that the hearing packet and documents provided by the Department were in no way relevant to the matter brought up by Petitioner's hearing request. The Department's representative acknowledged that the documents were not helpful and that documents critical to deciding this case were missing. After the Department witness explained the Department's actions, it was altogether unclear whether the Department followed Department policy in determining Petitioner's eligibility for MA benefits. Accordingly, the Department failed to meet its burden of proving that its actions were taken in compliance with law and policy.

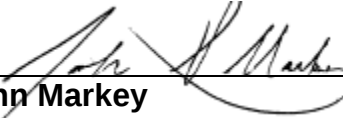
DECISION AND ORDER

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 November 1, 2018, MA application;
2. Redetermine Petitioner's eligibility for MA benefits from the Department under the category most beneficial to Petitioner;
3. Provide to Petitioner the coverage he was entitled to receive and ensure that supplements are issued where appropriate; and
4. Notify Petitioner in writing of its decision.

JM/cg



John Markey
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

Via Email:

MDHHS-Wayne-41-Hearings
D. Smith
EQAD
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]