



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI

Date Mailed: November 7, 2019  
MOAHR Docket No.: 19-010101  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Landis Lain

### **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 November 6, 2019, from Lansing, Michigan. The Petitioner was represented by Petitioner [REDACTED] [REDACTED]. The Department of Health and Human Services (Department or Respondent) was represented by April Nemec, Hearings Facilitator.

Respondent's Exhibit A pages 1-44 were admitted as evidence.

### **ISSUE**

Did the Department properly determine that Petitioner's Medical Assistance (MA) and Medical Savings Program (MSP) case should be canceled?

### **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 is a Medical Assistance Program benefit recipient.
2. Petitioner's case was scheduled for redetermination.
3. On July 30, 2019, the department received a DHS – 1010 redetermination form for medical assistance and medical savings program.
4. On August 8, 2019, the caseworker pulled an SOLQ and processed the redetermination.

5. On August 8, 2019, a DHS 3503 verification checklist was sent to Petitioner, requesting verification of checking, savings account, and unearned income which was due by August 19, 2019.
6. BRIDGES showed a savings and checking account, RSDI, and a pension income.
7. On August 22, 2019, the verification information was processed, and the caseworker closed the MA and MSP case effective October 1, 2019 for not returning verification of savings account and unearned income.
8. On August 22, 2019, a DHS-1606 Health Care Coverage Determination Notice was sent to Petitioner.
9. On September [REDACTED] [REDACTED] the Michigan Office of Administrative Hearings and Rules received a request for hearing to contest the department's negative action.
10. On September 12, 2019, a DHS-1560 Prehearing Conference notice was sent to Petitioner.
11. On September 19, 2019, the department found that the savings account verification and unearned income was not updated when redetermination was processed.
12. On October 1, 2019, Petitioner's Medical Assistance case closed for failure to verification information.
13. On November 6, 2019, the hearing was held.
14. At the hearing, the Department Representative determined that she had received appropriate verification information effective October 1, 2019 and the case is scheduled to reopen as of October 1, 2019.
15. Petitioner accepted that her case would open as of October 1, 2019 and was satisfied with the outcome.

### **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, the Department Representative reversed its decision to close Petitioner's Medical Assistance case and reinstate the case to October 1, 2019. Petitioner agreed to the reversal of the negative action.

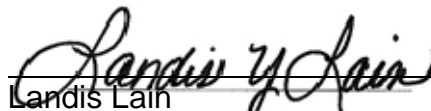
**DECISION AND ORDER**

Accordingly, the Department's original decision to close Petitioner's Medical Assistance case Medicaid Savings Program case effective October 1, 2019 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. Reinstate Petitioner's Medical Assistance and Medicaid Savings Program effective October 1, 2019, and open ongoing cases for both if Petitioner remains otherwise eligible for the programs.

LL/nr

  
\_\_\_\_\_  
Landis Lain  
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

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

**DHHS**

Tamara Morris  
125 E. Union St 7th Floor  
Flint, MI  
48502

Genesee Union St. County DHHS- via  
electronic mail

BSC2- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

**Petitioner**

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