



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 9, 2019
MOAHR Docket No.: 19-004949/19-005841
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 June 19, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Maryam Hedgespeth, Eligibility Specialist. During the hearing, a 39-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-39.

ISSUE

Did the Department properly determine Petitioner's Medicaid (MA) benefits, effective May 1, 2019, ongoing?

Did the Department properly determine Michael Morrow's MA benefits, effective May 1, 2019, ongoing?

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 lived in a household that included herself, her husband, and their disabled minor child. Petitioner received \$815 per month in RSDI. [REDACTED] received \$2,161.50 in RSDI. Their daughter received \$815 per month in RSDI. They were all active recipients of MA benefits from the Department.

2. On April 12, 2019, the Department issued to Petitioner a Health Care Coverage Determination Notice. The document stated that Petitioner's and [REDACTED] MA coverage was ending, effective May 1, 2019. Exhibit A, pp. 33-39.
3. On [REDACTED], 2019, [REDACTED], 2019, and [REDACTED], 2019, Petitioner submitted hearing requests to the Department challenging the Department's actions with respect to Petitioner's and [REDACTED] MA benefits.
4. At the hearing, Petitioner requested that the hearing requested be consolidated. The Department did not have any objection, and the cases were consolidated.

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, [REDACTED], and their daughter were ongoing recipients of MA benefits from the Department. Effective May 1, 2019, Petitioner's and [REDACTED] MA benefits cases closed. Petitioner then filed a series of hearing requests challenging the closures. During the hearing, the parties agreed to consolidate the multiple hearing requests into the instant docket number.

When the Department closed Petitioner's and [REDACTED] full-coverage MA, effective May 1, 2019, the Department, in accordance with Department policy, should have reviewed Petitioner's circumstances and determined that because they were the parents of a dependent child in their home, they were eligible for MA coverage under the G2C program. See BEM 105, p. 2; BAM 220 (January 2019), pp. 18-20; BAM 210 (January 2019), p. 1; BEM 135 (October 2015), p. 1.

G2C is a Group 2 MA program. Group 2 eligibility for MA coverage is possible even when net income exceeds the income limit for full MA coverage. BEM 105, p. 1. In such cases, the client is eligible for MA coverage with a deductible, with the deductible equal to the amount the individual's net income (countable income minus allowable income deductions) exceeds the applicable Group 2 MA protected income level (PIL), which is based on the client's shelter area (county in which the client resides) and fiscal group size. BEM 135, p. 2; BEM 544 (July 2016), p. 1; RFT 240 (December 2013), p. 1.

Because Petitioner's group's net income of exceeds the applicable PIL, Petitioner and ██████ should have been determined to be eligible for MA coverage under the G2C program subject to a deductible. However, the Department instead closed both of their MA cases. Thus, the Department did not follow Department policy.

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 closed Petitioner's and ██████ MA benefits cases, effective May 1, 2019.

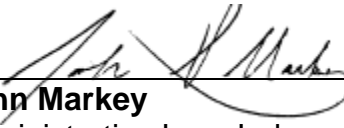
DECISION AND ORDER

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. Reinstate Petitioner's and ██████ MA benefits;
2. Redetermine Petitioner's and ██████ eligibility for MA benefits back to May 1, 2019 and provide the coverage to which they are entitled;
3. If any benefits were not provided that they were eligible for, ensure that a supplement is promptly issued;
4. If any eligibility-related factors remain unclear, inconsistent, contradictory, or incomplete, follow Department policy in seeking and obtaining verifications; and
5. Provide written notice of its decisions.

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 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

Via Email:

MDHHS-Macomb-20-Hearings
D. Smith
EQAD
BSC4-Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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