



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: June 11, 2020
MOAHR Docket No.: 20-001921
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 3, 2020 from, Detroit, Michigan. Petitioner appeared for the hearing and represented herself. A representative from the Department of Health and Human Services (Department) did not appear for the hearing and the hearing was held in the absence of the Department.

ISSUE

Did the Department properly deny Petitioner's application for Medical Assistance (MA) and Medicare Savings Program (MSP) benefits?

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 previously a recipient of MA and MSP benefits. On an unverified date, Petitioner's cases were closed.
2. On or around [REDACTED], 2019, Petitioner submitted an application for MA and MSP benefits.
3. On January 10, 2020, the Department sent Petitioner a Health Care Coverage Determination Notice advising her that effective December 1, 2019, ongoing, she was ineligible for MA because she failed to provide proof of information requested by the Department and further that, she was ineligible for MSP because the month

being tested was in a previous year and she had excess income for the program. (Exhibit A, p.7)

4. On or around February 12, 2020, Petitioner requested a hearing disputing the Department's actions with respect to her MA and MSP benefits.

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.

MSP is a State-administered program in which the State pays an income-eligible client's Medicare premiums, coinsurances, and deductibles. Three categories make up the MSP: Qualified Medicare Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB), and Additional Low-Income Medicare Beneficiaries (ALMB). BEM 165 (January 2018), pp 1-2; BAM 810 (January 2018).

In this case, Petitioner requested a hearing disputing the Department's actions with respect to her MA and MSP benefits. Petitioner testified that for an unknown reason, the Department previously closed her MA and MSP cases, and the Social Security Administration (SSA) began withholding funds to pay Petitioner's Medicare premiums going back to October 2019. Petitioner testified that she reapplied for MA and MSP benefits in [REDACTED] 2019, [REDACTED] 2020, and a third time in [REDACTED] 2020, but was told her applications were denied. Petitioner asserted that she has annual income of only \$13, 248 and should be eligible for MA and MSP coverage.

While a Department representative did not participate in the hearing, the Hearing Summary prepared in response to Petitioner's request for hearing was read into the record. The Hearing Summary indicates that Petitioner's [REDACTED] 2019 MA application was denied because she failed and refused to provide requested verification of her assets and that she was ineligible for MSP benefits under the QMB category because her income exceeded the limit.

Petitioner disputed the information contained in the Hearing Summary and asserted that she submitted verification of her bank account asset information to the Department as requested. She also testified that the notice of denial she received contained incorrect income information, as she did not have \$25,704 in income as identified on the notice. There was no evidence that Petitioner's income was in excess of the income limit for all MSP categories and no reference to the additional applications she submitted in the Hearing Summary. Additionally, Petitioner's testimony that she provided the Department with the requested asset verifications was un rebutted.

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 MA and MSP cases.

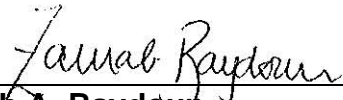
DECISION AND ORDER

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. Register and process Petitioner's [REDACTED] 2019 MA and MSP application, as well as all other MA and MSP applications submitted to the Department within the 90 days prior to her February 12, 2020, hearing request;
2. Determine Petitioner's MA and MSP eligibility under the most beneficial category and provide Petitioner with any MA and MSP coverage that she was entitled to receive but did not, if otherwise eligible, from the application dates, ongoing in accordance with Department policy; and
3. Notify Petitioner in writing of its eligibility decisions.

ZB/tm



Zainab A. Baydoun
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

Denise McCoggle
27260 Plymouth Rd
Redford, MI
48239

Petitioner



cc: MA- Deanna Smith; EQADHShearings
Macomb County AP Specialist (4)