



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 13, 2020
MOAHR Docket No.: 20-003727
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 July 7, 2020, from Lansing, Michigan. Petitioner was represented by Linda Balakian-Blake, Authorized Hearings Representative. The Department of Health and Human Services (Department or Respondent) was represented by Rhonda Moulder, Eligibility Specialist.

ISSUE

Did the Department properly consider Petitioner's Medical Assistance (MA) for the month of August 2019?

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's Authorized Representative requested a hearing due to denial of retro medical coverage for applicant [REDACTED] for months August and September 2019.
2. Petitioner was initially denied coverage for retroactive MA coverage for September 2019 in error on December 16, 2019.
3. The Department was contacted regarding the denial and after review the application was reprocessed and approved for September of 2019 retroactive MA coverage. A Notice of Case Action was sent on

December 23, 2019, notifying of approved coverage with a deductible of \$1,534.00.

4. On November 8, 2019, the Department sent Petitioner a Notice of Case Action denying coverage for over income for August and September 2019.
5. On January 8, 2020, Petitioner filed a Request for Hearing to contest the Department's negative action.
6. On March 3, 2020, Petitioner filed a second Request for Hearing.
7. On April 14, 2020, the Department issued a Notice of Approval with a deductible spend down.
8. On May 7, and May 15, 2020, Petitioner submitted medical bills for August 2019 which have not yet been processed.
9. The Department Representative agreed that the Department would process the bills and send out a Notice to Petitioner.

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.

The Department caseworker conceded on the record that the Department has not processed the medical bills for August 2019 which were submitted on May 7, and May 15, 2020. The Department representative agreed to process the medical documents.


DECISION AND ORDER

Accordingly, the Department's decision to process Petitioner's application is AFFIRMED.

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. Re-evaluate Petitioner's Medicaid expenses and determine Medical Assistance coverage in accordance with Department policy.

LL/hb



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

Wayne County (District 17) via electronic mail

BSC4 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Authorized Hearing Rep.

Linda Balakian-Blake
1 Ajax Dr Ste 200
Madison Heights, MI 48071

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]