



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: October 9, 2020  
MOAHR Docket No.: 20-005519  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 three way telephone hearing was held on October 7, 2020, from Clawson, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearing Facilitator.

**ISSUE**

Did the Department properly deny the Petitioner's application for Medical Assistance (MA)?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner applied for Medical Assistance on or about [REDACTED] 2020.
2. The Department issued a Health Care Coverage Determination Notice (Notice) dated August 13, 2020 denying the Petitioner's MA. The Department conceded that the denial was improper in its Hearing Summary and at the hearing. Petitioner was open for Healthy Michigan Plan cannot receive HMP as she is disabled and receives Retirement Survivors Disability Insurance (Medicare) BEM 137 (June 2020) p. 1. In addition, the faulty Notice also incorrectly found the Petitioner was not disabled. Exhibit A, pp. 6-7 (Notice) See also Exhibit A, pp. 17-19 (SOLQ).

3. On August 31, 2020, the Department issued a Health Care Coverage Determination Notice finding the Petitioner eligible for MA Group2S effective August 1, 2020 ongoing with a \$922.00 monthly deductible. Exhibit B pp. 1 and 2.
4. The Petitioner requested a timely hearing on [REDACTED], 2020 protesting the denial of her MA coverage.

### **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 requested a hearing protesting the Department's denial of her MA benefit application in [REDACTED] 2020. The Department conceded at the hearing that the denial was incorrect and that Petitioner was eligible for Group 2S SSI related MA with a spenddown. At the hearing, the Department presented a Health Care Coverage Determination Notice (Notice) dated August 31, 2020 Notice finding the Petitioner eligible for MA subject to a monthly MA deductible of \$922.00. Exhibit B. The Department testified that the Petitioner was sent the Notice. The Petitioner testified that she did not receive the Notice and thus was unaware that she had MA benefits.

Based upon the Petitioner's Hearing Request dated [REDACTED] 2020, the Department did correct the incorrect denial and thus there is nothing further required to be addressed by this Hearing Decision. The Department, however, must send a copy of the August 31, 2020 Health Care Coverage Determination Notice to Petitioner as she did not receive the Notice. In addition, as explained at the hearing, the Petitioner may request a hearing regarding the deductible amount, however, that issue is not a subject which can be addressed at this hearing based upon the Petitioner's [REDACTED], 2020 hearing request which requested a hearing based solely on the MA denial.

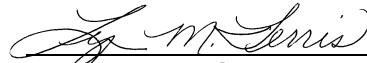
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it corrected its denial of Petitioner's MA and found her eligible for MA as required by Department policy effective August 1, 2020 ongoing.

**DECISION AND ORDER**

Accordingly, the Department's decision is

**AFFIRMED.**

LF/tm



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**Lynn M. Ferris**  
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-Wayne-41-Hearings  
D. Smith  
EQADHearings  
BSC4  
MOAHR

**Petitioner-First Class Mail:**

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