



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: October 11, 2018
MAHS Docket No.: 18-007907
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 September 6, 2018, from Lansing, 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 determine the Petitioner's eligibility 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 had been receiving MA Healthy Michigan Program (HMP) in error since she is not a United States (US) citizen.
2. On July 19, 2017, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, to provide written verification of her US citizenship through a copy of her Social Security Card by July 31, 2017. Department Exhibit 1, pg. 6.
3. On July 18, 2018, the Department Caseworker sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that effective August 1, 2018 that she was not eligible for MA-HMP because she failed to verify her Social Security Number. Department Exhibit 1, pgs. 4-5.

4. On July 30, 2018, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 Petitioner is not a U.S. citizen and does not have a Social Security Card. She was put on BRIDGES in error as a U.S. citizen, which gave her eligibility to MA-HMP in error. On July 19, 2017, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, to provide written verification of her US citizenship through a copy of her Social Security Card by July 31, 2017. Department Exhibit 1, pg. 6. The Petitioner failed to submit the verification of her Social Security number by the deadline. On July 18, 2018, the Department Caseworker sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that effective August 1, 2018 that she was not eligible for MA-HMP because she failed to verify her Social Security Number. Department Exhibit 1, pgs. 4-5. BEM 137, 225, and 223.

During the hearing, the Petitioner stated that she does not read English well. Spanish is a language that is available through BRIDGES for written correspondence. As a result, the Department Caseworker was instructed to have her correspondence sent to her in Spanish from BRIDGES.

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 determined that the Petitioner is not eligible for MA-HMP and closed her case effective August 1, 2018, because she is not a U.S. citizen and does not have a Social Security card.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

Carmen G. Fahie

CF/nr

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, 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 Administrative Hearing System (MAHS).

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

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

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

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

DHHS

Jeanette Cowens
2524 Clark Street
Detroit, MI
48209

Wayne 41 County DHHS- via electronic
mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]