



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 27, 2019
MAHS Docket No.: 19-001358
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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, an in-person hearing was held on March 25, 2019, from Washtenaw, Michigan. The Petitioner appeared for the hearing and was represented by [REDACTED], a staff person of the Washtenaw Health Plan and Petitioner's Authorized Hearings Representative. The Department of Health and Human Services (Department) was represented by Kimberlea Crueton, Eligibility Specialist, and Candace Baker, Family Independence Manager.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) Program eligibility?

FINDINGS OF FACT

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

1. Effective December 1, 2018, Petitioner switched from a Supplemental Security Income (SSI) recipient to a Retirement, Survivors and Disability Insurance (RSDI) recipient upon the death of her father.
2. On January 18, 2019, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner informing her that her MA eligibility would end effective March 1, 2019, because she failed to return a Redetermination to the Department.

3. At the hearing, the Department clarified that the reason listed on the HCCDN was incorrect and that the real reason for the closure of Petitioner's MA case was her switch from SSI to RSDI; Petitioner did not dispute the Department's verbal correction of the HCCDN.
4. On January 24, 2019, Petitioner submitted an application for MA benefits.
5. On February 11, 2019, the Department received Petitioner's hearing request disputing the closure of her MA 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.

In this case, Petitioner's case closed because she switched from SSI to RSDI. SSI is a cash benefit for needy individuals who are aged, blind, or disabled. BEM 150 (April 2017), p. 1. The Social Security Administration (SSA) determines SSI eligibility. *Id.* To be automatically eligible for MA as an SSI recipient, a client must be both a Michigan resident and cooperate with third-party resource liability requirements. *Id.* The Department will administer MA for SSI recipients, including continued MA eligibility determination when SSI benefits end. *Id.* The Department uses the State Data Exchange (SDX) to monitor eligibility. BEM 150, p. 2. When SSI benefits stop, the reason for the negative action is evaluated. BEM 150, p. 6. If MA-SSI is stopped for a reason that prevents continued MA eligibility, Bridges will send a HCCDN. *Id.* SSI cases not closed due to policy are transferred to SSI Termination (SSIT) assistance. *Id.* A redetermination date is set for the second month after transfer to allow for an ex parte review. *Id.* An ex parte review is a determination made by the Department without the involvement of the client, the client's parents, spouse, authorize representative, guardian, or other members of the recipient's household. BPG Glossary (July 2018), p. 26. It is based on a review of all materials available to the specialist that may be found in the recipient's current MA eligibility case file. *Id.*

No evidence was submitted that Petitioner's case was properly transferred to SSIT assistance with a new Redetermination set and an ex parte review completed. Therefore, the Department did not act in accordance with Department policy in closing Petitioner's MA case.

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 MA case effective March 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 MA case in accordance with Department policy;
2. Issue supplements to Petitioner or on her behalf for benefits not previously received; and,
3. Notify Petitioner in writing of its decision.



Amanda M. T. Marler

Administrative Law Judge

for Robert Gordon, Director

Department of Health and Human Services

AMTM/jaf

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

Sarina Baber
MDHHS-Washtenaw-Hearings

Petitioner

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