



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: June 12, 2019  
MOAHR Docket No.: 19-004837  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 6, 2019, from Detroit, Michigan. Petitioner appeared and testified. [REDACTED], Petitioner's friend, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Julia Irwin, specialist, and Lacey Whitford, supervisor.

### **ISSUE**

The issue is whether MDHHS properly did not process Petitioner's child's Medicaid (MA) eligibility for September 2018.

### **FINDINGS OF FACT**

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In September 2018, Petitioner's child, [REDACTED] (hereinafter, "Child") was hospitalized in a neonatal intensive care unit.
2. On January 19, 2019, Petitioner applied for MA benefits for Child.
3. On January 19, 2019, MDHHS approved Child for MA from January 2019. Exhibit A, pp. 16-18.
4. On an unspecified date, MDHHS approved Child for MA coverage from October 2018 to December 2018. Exhibit A, pp. 19-21.

5. On February 26, 2018, Petitioner requested a hearing seeking MA coverage for Child for September 2018. Petitioner requested the hearing under the jurisdiction of Children's Special Health Care Services (CSHCS)
6. On March 12, 2019, MOAHR issued an Order Transferring Hearing Request for a Medicaid Eligibility Appeal. The order transferred Petitioner's hearing request from the jurisdiction of CSHCS to MDHHS. Exhibit A, pp. 3-4.

### **CONCLUSIONS OF LAW**

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner initially requested a hearing to dispute Child's eligibility for CSHCS. After an administrative order, Petitioner's hearing request was transferred to the benefits division of MOAHR.<sup>1</sup> Petitioner's only dispute concerns Child's lack of Medicaid eligibility for September 2018.

Medicaid is also known as Medical Assistance (MA). BEM 105 (April 2017), p. 1. Retroactive MA coverage is available back to the first day of the third calendar month prior to:

- The current application for FIP and MA applicants and persons applying to be added to the group.
- The most recent application (not renewal) for FIP and MA recipients.
- For Supplemental Security Income (SSI), entitlement to SSI.
- For department wards, the date MDHHS received the court order for a department ward.
- For Title IV-E and special needs adoption assistance recipients, entitlement to Title IV-E or special needs adoption assistance.  
BAM 115 (January 2019), p. 12.

It was not disputed that Petitioner applied for MA benefits for Child on January 19, 2019, when she submitted an application to MDHHS. Exhibit A, pp. 10-14. Petitioner's application month of January 2019 entitled Child to potential MA benefits for only three

---

<sup>1</sup> Petitioner's and MDHHS' testimony suggested that Petitioner's hearing request may be forwarded to CSHCS and scheduled for an administrative hearing. As of the writing date of this decision, there is no known plan for Petitioner's hearing request to be sent to CSHCS.

full months before January 2019 (October 2018 to December 2018). Given the circumstances, MDHHS had no known basis to consider Child's MA eligibility from September 2018. Thus, MDHHS properly did not consider Child's MA eligibility for September 2018.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly did not determine Child's Medicaid eligibility from September 2018. The actions taken by MDHHS are **AFFIRMED**.

CG/jaf



---

**Christian Gardocki**  
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**

Lacey Whitford  
MDHHS-Isabella-Hearings

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

BSC4  
D Smith  
EQAD