



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: June 8, 2020  
MOAHR Docket No.: 20-001641  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Janice Spodarek

### **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 4, 2020.

Petitioner appeared unrepresented.

The Department of Health and Human Services (Department) was represented by Patty Marx, FIM.

### **ISSUE**

Did the Department properly process Petitioner's Medical Assistance (MA) case?

### **FINDINGS OF FACT**

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

1. At all relevant time, Petitioner has been a beneficiary of Medical Welfare Program(s) administered by the MDHHS.
2. On February 12, 2020, the Department issued a Health Care Coverage Determination Notice informing Petitioner that effective March 1, 2020, his MA will close due to ineligibility. The Department indicated that this notice had to do with Ad Care MA.
3. On February 28, 2020, the Department issued a Health Care Determination Notice informing Petitioner that effective March 1, 2020, Petitioner was eligible for the Healthy Michigan Plan, (HMP).

4. Petitioner did not lose any MA benefits.
5. On February 26, 2020, Petitioner filed a hearing request.

### **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 Department stated at hearing that the Department opened an Ad Care MA case when the medical coverage should have been HMP. Petitioner was never without MA coverage and was actually enrolled for two months in a more beneficial MA program. The Department indicated that it was not going to recoup or ask for any repayment of benefits.

Here, Petitioner believed that he was without benefits for 18 days. However, the Department pointed out that medical benefits for any one month are always carried out throughout the entire month. Petitioner's new medical program, HMP, was begun the day that the Ad Care ended. Thus, there was no loss of benefits.

While Petitioner argued that he was told by a provider's office that he temporarily did not have benefits, Petitioner did not incur any medical expenses. Here, Petitioner received all the benefits he was entitled to receive. Under these facts, there is no remedy the undersigned can grant Petitioner.

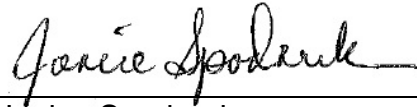
As to Petitioner's other concerns regarding PTSD, unfortunately, this forum has no jurisdiction to review any complaints of Petitioner based on the actions of other government agencies.

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 regarding Petitioner's MA case.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

JS/ml



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Janice Spodarek  
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**

Manistee County DHHS – Via Electronic Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

**Petitioner**

[REDACTED] – Via First Class Mail  
[REDACTED] MI [REDACTED]