



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] MI [REDACTED]

Date Mailed: April 2, 2021
MOAHR Docket No.: 21-000362
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 March 4, 2021.

Petitioner appeared unrepresented.

The Department of Health and Human Services (Department) was represented by Mariah Schaefer, FIM.

Department Exhibit A.15 was offered and admitted into the record.

ISSUE

Did the Department properly process Petitioner's Medicaid (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 times prior to Petitioner's appeal, Petitioner was on Freedom to Work (FTW) MA.
2. On [REDACTED] 2020, the Department issued a notice that Petitioner's FTW MA will be converting to a \$75.00 month MA spend-down due to Petitioner not having been employed for twenty-four months requirement.
3. The Department subsequently determined that due to ESA 2020-12 the MA spend-down change was in error and the Department reinstated full MA.

4. At no time was Petitioner without MA.
5. On [REDACTED] 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.

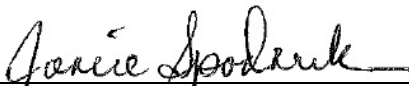
In this case, Petitioner argues that she cannot afford a deductible. The Department responded that Petitioner does not have a deductible and has full MA due to ESA 2020-12 which prohibits the Department from reducing MA benefits during COVID 19. However, the Department indicated that when the ESA 2020-12 mandates are lifted, unless Petitioner works during the prior 24-month period to the change, Petitioners' case will change to a deductible. Petitioner understands what she needs to do to avoid a future deductible. At this time, any such dispute is premature for review at an administrative hearing.

After a careful review of the substantial and credible evidence of record, this Administrative Law Judge, finds that the Department acted in accordance with Department policy.

DECISION AND ORDER

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

JS/ml



Janice Spodarek
Administrative Law Judge
for Elizabeth Hertel, 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

Mariah Schaefer
Allegan County DHHS – via electronic
mail

BSC3 – via electronic mail

C. George – via electronic mail

EQAD – via electronic mail

Petitioner

██████████ – via first class mail

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