



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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████████████████████, MI ██████████

Date Mailed: August 2, 2022
MOAHR Docket No.: 22-002695
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on July 26, 2022, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Zina Ani and Theresa Sharp.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

1. On ██████ ██████ ██████ the Department received Petitioner's application for Medical Assistance (MA) benefits.
2. Petitioner receives Supplemental Security Income (SSI) benefits.
3. On May 16, 2022, the Department notified Petitioner that her children are eligible for full coverage Medical Assistance (MA) benefits.
4. On June 22, 2022, the Department notified Petitioner that Medical Assistance (MA) benefits for her children would be closed.
5. On ██████ ██████ ██████ the Department received Petitioner's request for a hearing.

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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. The Social Security Administration (SSA) determines SSI eligibility. To be automatically eligible for Medicaid (MA) an SSI recipient must be a Michigan resident and cooperate with third-party resource liability requirements. An automated process tries to match SSI recipients with persons active in other Department administered programs such as Medicaid. Department of Health and Human Services Bridges Eligibility Manual (BEM) 150 (July 1, 2021), pp 1-2.

As a condition of eligibility for Medicaid, the client must identify all third-party resources unless he/she has good cause for not cooperating. Failure, without good cause, to identify a third-party resource result in disqualification. A third-party resource is a person, entity or program that is, or might be, liable to pay all or part of a group member's medical expenses. Department of Health and Human Services Bridges Eligibility Manual (BEM) 257 (October 1, 2020), p 1.

On May 15, 2022, the Department received Petitioner's application for MA benefits. Petitioner is automatically eligible for MA benefits as an SSI recipient, and the Department determined that her children were also eligible for MA benefits. While processing Petitioner's application, the Department determined that there are potential third-party resources available to Petitioner including child support. Petitioner was referred to the Office of Child Support, and her eligibility for ongoing benefits is contingent upon her cooperation with the Department's attempts to seek out child support as a possible resource available to her.

Petitioner argues that any referral or application for child support on her behalf is fraudulent and that she is not seeking any child support herself. Petitioner testified that it was not her intent to seek child support or cooperate with the Office of Child Support, and she requested that her benefits be closed. On June 22, 2022, the Department closed Petitioner's MA benefits.


Petitioner also requested closure of her child support file, but child support is not a program administered by the Department and this Administrative Law Judge has no jurisdiction to issue orders regarding child support.

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 processed Petitioner's application for Medical Assistance (MA), and then closed those benefits at Petitioner's request.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Via-Electronic Mail :

Department Representative
Office of Child Support (OCS)-MDHHS
201 N Washington Square
Lansing, MI 48933

Kimberly Kornoelje
Kent County DHHS
121 Franklin SE
Grand Rapids, MI 49507

Interested Parties
Kent County DHHS
BSC3
D. Smith
EQAD

Via-First Class Mail :

Petitioner

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