



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: March 9, 2023
MOAHR Docket No.: 23-000060
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 February 8, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Candice Benns, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for 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 or around February 20, 2019, the Department sent Petitioner's mother Antoinette Chambers a Health Care Coverage Determination Notice advising her that effective March 1, 2019, ongoing, Petitioner [REDACTED] is eligible for full coverage MA. (Exhibit A, pp. 9-10)
2. On or around [REDACTED] 2022, Petitioner submitted an application requesting MA benefits.
3. On or around December 9, 2022, the Department sent Petitioner a Health Care Coverage Determination Notice advising him that effective December 1, 2022, he his application was denied because he is eligible for MA under a different case. (Exhibit A, pp. 7-8)
4. On or around January 3, 2023, Petitioner requested a hearing disputing the Department's denial of his [REDACTED] 2022, MA application. (Exhibit A, p.4)

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 representative testified that Petitioner's [REDACTED] 2022, application for MA benefits was denied because he was already approved and receiving MA benefits under a case with his mother. In support of its position that Petitioner had active MA coverage, the Department presented the February 20, 2019 Health Care Coverage Determination Notice, the MA-EDG Summary from Petitioner's mother's case, and Petitioner's MA Eligibility Summary for his coverage under his mother's case. (Exhibit A, pp. 9-13). However, upon review, the documents presented do not show any active coverage after April 1, 2020. Petitioner testified that his mother moved to Arizona in 2020 and he was never given a health insurance card. Petitioner disputed that he has active MA benefits, as information from his MiBridges account shows no coverage. The Department conceded that based on the information presented during the hearing, there was no evidence that Petitioner continued to have active MA coverage under his mother's prior case. Therefore, the Department agreed that reprocessing Petitioner's MA application was needed to determine his eligibility on his own case, as he is now [REDACTED] years old.

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 did not act in accordance with Department policy when it denied Petitioner's [REDACTED] 2022, MA application.

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. Register and reprocess Petitioner's [REDACTED] 2022, MA application;
2. If eligible, provide MA coverage to Petitioner for any MA benefits he was entitled to receive but did not from the application date, ongoing; and
3. Notify Petitioner in writing of its decision.

ZB/ml



Zainab A. Baydoun
Administrative Law Judge

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 :

DHHS
Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209
**MDHHS-Wayne-41-
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Interested Parties
M Schaefer
EQAD

Via First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]