



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

██████████
██████████
██████████ MI ██████████

Date Mailed: August 30, 2023
MOAHR Docket No.: 23-004016
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on August 9, 2023 via teleconference. Petitioner appeared and represented herself. Dan Vendzvu, Family Independence Manager, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS Department) was represented by August 9, 2023.

ISSUE

Did MDHHS properly process Petitioner's Medicaid (MA) Redetermination?

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 June 8, 2023, Petitioner submitted a Redetermination for MA to MDHHS (Exhibit A, p. 9).
2. On June 15, 2023, MDHHS sent Petitioner a Health Care Coverage Determination Notice stating that Petitioner's MA case and Glenn Flood's (Husband) MA case would be moved to another open case (Exhibit A, p. 4). Petitioner and Husband were on a MA case separate from their children. The notice indicated that Petitioner and Husband's MA would be terminated effective July 1, 2023 (Exhibit A, pp. 4-5). The notice indicated that Petitioner and Husband would receive another notice regarding their MA benefits, once the Redetermination was processed.
3. On June 30, 2023, Petitioner submitted a hearing request to dispute the termination of her MA coverage (Exhibit A, pp. 6-8).

4. On July 20, 2023, MDHHS sent Petitioner a Health Care Coverage Determination Notice indicating that Petitioner and Husband were approved for Plan First MA, which is a limited coverage category.

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 Medicaid (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. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA is also known as Medical Assistance. BEM 105 (January 2021), p. 1.

In this case, Petitioner submitted a Redetermination for MA. MDHHS discovered that Petitioner and her Husband were on a different MA case than their children. In order to consolidate the cases, MDHHS closed Petitioner and Husband's case and informed Petitioner that they would receive a new determination under their children's MA case number. After transferring Petitioner and Husband to the children's MA case, MDHHS processed the Redetermination and determined that Petitioner was over the income limit for Healthy Michigan Plan (HMP) and Husband was over the income limit for full coverage Ad-Care MA. On July 20, 2023, MDHHS processed the Redetermination and determined that Petitioner and Husband were eligible for Plan First MA, which is a limited coverage category.

The MA program includes several sub-programs or categories. BEM 105, p. 1. To receive MA under a Supplemental Security Income (SSI)-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* MA eligibility for children under 19, parents or caretakers of children, pregnant or recently pregnant women, former foster children, MOMS, MICHild, Flint Water Group and Health Michigan Plan (HMP) is based on Modified Adjusted Gross Income (MAGI) methodology. *Id.* Plan First MA is a MAGI-related limited coverage MA group available to any United States citizen or individual with an immigration status entitling them to full MA coverage residing in Michigan. BEM 124 (July 2023), p. 1. To be eligible for Plan First, the fiscal group's net income cannot exceed 195 percent of the federal poverty level. *Id.*

To evaluate Petitioner's eligibility for MA, MDHHS must determine Petitioner's MA fiscal group size, net income and assets. MDHHS determines fiscal and asset groups separately for each person requesting MA. BEM 211 (July 2019), p. 5. Here, MDHHS

testified that it determined that Petitioner was over the income-limit for HMP and Husband was over the income limit for SSI-related MA. Petitioner disputed the calculation of her income and stated that it did not reflect what she expected to receive in the current month and going forward. MDHHS did not introduce any MA budgets or adequately explain how it calculated Petitioner's and Husband's earned and unearned income. Additionally, Petitioner testified that she told MDHHS that her income was calculated incorrectly and that she experienced a decrease in income. No evidence was presented that MDHHS attempted to verify this information from Petitioner by sending a Verification Checklist (VCL), contrary to BAM 130, which provides that verification is required when an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130 (January 2023), p. 1.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Petitioner's MA Redetermination.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS 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. Reprocess Petitioner's and Husband's eligibility for MA, effective July 1, 2023 ongoing, requesting additional information from Petitioner if necessary;
2. If eligible, provide Petitioner and Husband MA coverage in the most beneficial MA category, from July 1, 2023 ongoing; and
3. Notify Petitioner of its decision in writing.



Linda Jordan
Administrative Law Judge

LJ/tm

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
Dan Vendzuh
Otsego County DHHS
931 S. Otsego Suite 1
Gaylord, MI 49735
**MDHHS-Otsego-
Hearings@michigan.gov**

Interested Parties
M. Schaefer
EQADHearings
BSC1

Via-First Class Mail :

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