



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 6, 2023
MOAHR Docket No.: 23-005267
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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, a telephone hearing was held on October 5, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Tom Jones.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. Petitioner receives Retirement, Survivors, and Disability Insurance (RSDI) benefits and she is eligible for Medicare with a February [REDACTED] 2004, date of initial eligibility.
2. On July [REDACTED] 2023, the Department notified Petitioner that she was eligible for limited coverage Medical Assistance (MA) as of July 1, 2023.
3. On August 11, 2023, the Department received Petitioner's request for a hearing protesting the level of Medical Assistance (MA) coverage she is receiving.

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.*

Petitioner has been an ongoing recipient of MA benefits and it was not disputed during the hearing that she is considered to be disabled. The hearing record establishes that Petitioner is eligible for Medicare and has been an ongoing recipient of RSDI benefits.

Petitioner does not dispute that she receives an income that exceeds the federal poverty level for a household of one and that she is eligible for Medicare. This means that Petitioner is not eligible for any MAGI based category of MA, or a category of MA benefits without a monthly deductible.

The Department failed to offer evidence that Petitioner received full coverage MA benefits, with or without a monthly deductible in July of 2023, and no evidence was presented to support a nonfinancial reason for a gap in Petitioner's MA coverage. Based on the documents offered by the Department as exhibits, it appears that Petitioner would be eligible for retroactive MA benefits in July if she had applied for assistance in October of 2023. Regardless of the MA benefits that Petitioner may have received during the public health emergency, the hearing record does not support a finding that Petitioner should be limited to "limited coverage" MA as indicated on the July [REDACTED] 2023, Health Care Coverage Determination Notice.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined that Petitioner was eligible for limited coverage Medical Assistance (MA) under the Plan First category as of July 1, 2023.

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:

Initiate a determination of the Petitioner's eligibility for Medical Assistance (MA) as of July 1, 2023, and ongoing.

Provide the Petitioner with written notice describing the Department's revised eligibility determination.

KS/dm



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 :

DHHS
Linda Gooden
Oakland County Southfield District III
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

SchaferM

EQADHearings

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MOAHR

Via-First Class Mail :

Petitioner

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[REDACTED]
[REDACTED]