



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: January 11, 2024
MOAHR Docket No.: 23-007359
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 January 3, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Manager.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) Program eligibility?

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 [REDACTED] [REDACTED] 2023, the Department received an application for MA benefits from Petitioner, age [REDACTED] listing his address as [REDACTED] [REDACTED] [REDACTED] Michigan [REDACTED] and as being the only household member.
2. On the same day, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner advising him that his application was denied because he was eligible for this program under another case.
3. Department records show that Petitioner was eligible under case number [REDACTED] belonging to [REDACTED] [REDACTED] Petitioner's former guardian. Petitioner's eligibility continued until November 30, 2023. A redetermination had been sent to

Ms. [REDACTED] in August or September 2023 but not returned for Petitioner. Ms. [REDACTED] address is listed with the Department as being in [REDACTED] Michigan.

4. On October 19, 2023, the Department received Petitioner's request for hearing disputing the denial of benefits.

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 disputes the Department's denial of his MA application. Clients are only eligible for benefits under one case number. BEM 222 (October 2018), p. 1. However, at the time of Petitioner's application, his case was up for redetermination and the Department should have considered his application as his redetermination form. BAM 210 (October 2023), pp. 4, 8 In addition, when the Department received Petitioner's application for benefits, the Department should have noted Petitioner's updated address and his listing as being the only household member then treated it as a reported change. BAM 105 (October 2023), p. 11. Finally, when the Department received Petitioner's application, the Department should have noted the discrepancies between Petitioner's application and the case that he was currently listed as eligible under including the address and household members. Once the discrepancy was recognized, the Department was under a duty to clarify or allow the client the opportunity to resolve any discrepancy even if no interview was required before determining eligibility. BAM 130 (October 2023), p. 9.

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 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. Reprocess Petitioner's application for MA;
2. Clarify or resolve any discrepancies between Petitioner's application and his previously open MA case;
3. If otherwise eligible, issue MA benefits to Petitioner or on his behalf for benefits not previously received or issued; and,
4. Notify Petitioner in writing of its decision.

AM/nr



Amanda M. T. Marler
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 :

Interested Parties

MDHHS-Oakland-6303-Hearings
BSC4
EQAD Hearings
M. Schaefer
MOAHR

Via-First Class Mail :

Petitioner

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