



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
DIRECTOR

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

Date Mailed: July 16, 2024
MOAHR Docket No.: 24-004470
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on June 17, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine Petitioner's minor son's eligibility for Medicaid (MA) coverage?

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 has two minor children, [REDACTED] (AW) and [REDACTED] (EW), and they live in one household. (Exhibit A, p. 6).
2. On [REDACTED] [REDACTED] 2024, the Department received an application for MA from Petitioner for [REDACTED] year-old AW and requested retroactive MA coverage to November 1, 2023. (Exhibit A, p. 1).
3. On February 20, 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of Petitioner's checking account and employment income by March 1, 2024. (Exhibit A, pp. 8 – 9).

4. On March 9, 2024, the Department received the requested verifications from Petitioner. (Exhibit A, p. 1).
5. On April 18, 2024, the Department received a request for hearing from Petitioner regarding its failure to process AW's MA. (Exhibit A, pp. 3 – 5).
6. On April 25, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) approving AW for Group 2 Persons Under Age 21 (G2U) coverage for each of the following periods:
 - a. November 2023 through January 2024, subject to a monthly deductible of \$2,411,
 - b. February 2024, subject to a monthly deductible of \$3,039,
 - c. March 2023, subject to a monthly deductible of \$3,686, and
 - d. April 2024 ongoing, subject to a monthly deductible of \$3,678.(Exhibit A, pp. 10 – 15).

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.

Petitioner requested a hearing because her MA application for AW was not processed. The Department processed Petitioner's MA application prior to the hearing and approved AW for G2U MA subject to a deductible. At the hearing, Petitioner did not object to the deductible amount but had questions about how the deductible program worked.

In this case, Petitioner submitted an application for MA for AW on [REDACTED] 2024 and requested coverage retroactive to November 2023. Petitioner did not receive a HCCDN regarding her application and requested a hearing on April 18, 2024, regarding AW's MA from November 2023 ongoing and the Department's failure to process her

application in a timely manner. At the hearing, the Department representative testified, and Petitioner confirmed, that on April 25, 2024, a HCCDN was issued, approving AW for MA coverage from November 2023 ongoing. (Exhibit A, pp. 10 – 15). Petitioner confirmed that she received the April 25, 2024 HCCDN.

During the hearing, Petitioner did not dispute AW's MA coverage or the deductible amount but did have questions regarding how the deductible plan worked. The Department answered Petitioner's questions and provided additional information.

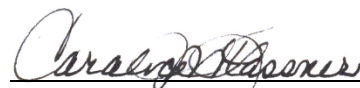
When the Department identifies an error on its part, it is to document and correct its action as soon as possible. BAM 115 (May 2024), p. 32. The evidence presented established that prior to the hearing, the Department corrected the action that Petitioner requested a hearing to dispute by approving Petitioner's application for MA for AW effective November 1, 2023. Therefore, because the Department corrected its action prior to the hearing, there remains no issue left to be resolved with respect to Petitioner's MA request for hearing.

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 corrected the delay in processing Petitioner's MA application for AW and approved AW for G2U MA coverage subject to a deductible and that no hearable issue remained as of the date of the hearing.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

CML/nr



Caralyce M. Lassner
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
Yaita Turner
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties
BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

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