



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]
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Date Mailed: November 16, 2023
MOAHR Docket No.: 23-006135
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 November 6, 2023. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearings Facilitator.

ISSUE

Did the Department properly deny Medical Assistance (MA) Program benefits to Petitioner's daughter?

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 July 3, 2023, the Department issued a Verification Checklist (VCL) to Petitioner requesting proof of earned and unearned income for the last 30 days by July 11, 2023.
2. On July 26, 2023, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner advising her that she was approved for full coverage MA benefits effective September 1, 2023 but that her one-year-old daughter, [REDACTED], was denied coverage because she was not under [REDACTED], pregnant, a caretaker of a minor child, over age [REDACTED], blind, or disabled.
3. At the hearing, the Department clarified that the reason for Petitioner's daughter's denial was for failure to verify income.

4. On September 19, 2023, a 1099 was submitted to the Department by Petitioner for her daughter's father.
5. On the same day, the Department received Petitioner's request for hearing disputing the denial of benefits to Petitioner's daughter.
6. On October 5, 2023, the Department received paystubs from Petitioner.

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 denied MA coverage to Petitioner's daughter and listed the reason on the HCCDN as being she was not under ■■■, pregnant, a caretaker of a minor child, over age ■■■, blind, or disabled. Obviously, Petitioner's ■■■■■ daughter is under age ■■■. Therefore, this decision of the Department is inconsistent with policy.

Although the Department testified that the real reason for closure was because Petitioner had not verified income, this reason for denial of benefits was not listed on the HCCDN and therefore is not considered here. Pursuant to policy, notices of case actions must specify the action taken by the Department, the reason or reasons for the action, a citation to the specific manual item or legal basis for the action, an explanation of the right to a hearing, and the conditions for continued benefit pending a hearing. BAM 220 (July 2023), p. 3. Because the Department failed to issue a proper notice to Petitioner and because the reason for denial of benefits to Petitioner's daughter is patently wrong, the Department has not acted in accordance with Department policy.

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 benefits to Petitioner's daughter.

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. Redetermine Petitioner's daughter's MA eligibility effective August 1, 2023;
2. If otherwise eligible, issue supplements to Petitioner on behalf of her daughter or on their behalf for benefits not previously received; and,
3. Notify Petitioner in writing of its decision.

AM/mp



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-Wayne-19-Hearings
EQAD Hearings
M. Schaefer
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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