



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: June 17, 2024
MOAHR Docket No.: 24-005401
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Julia Norton

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 June 13, 2024. Petitioner was present and self-represented. The Department of Health and Human Services (Department) was represented by Stacie Gibbs, Assistance Payment Supervisor. At the commencement of the hearing, Petitioner withdrew his hearing request regarding Food Assistance Program (FAP) benefits and State Emergency Relief (SER) assistance.

ISSUE

Did the Department properly determine Petitioner’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 is █████ years old, not married and lives in ██████████ Michigan.
2. He does not file taxes.
3. Petitioner receives gross monthly Retirement, Survivors and Disability Insurance (RSDI) payments of \$██████████.
4. Petitioner previously had MA coverage through the Social Security Administration (SSI-MA) that ended January 31, 2024.
5. Effective February 1, 2024, Petitioner was an ongoing recipient of MA AD-Care coverage and Medicare Savings Program (MSP)-Qualified Medicare Beneficiary (QMB) benefits.

6. On April 5, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) indicating he was eligible for AD-Care and MSP-QMB effective May 1, 2024 ongoing. Exhibit A. pp. 8-11.
7. On May 6, 2024, the Department received Petitioner's request for hearing regarding his FAP, SER and MA. Exhibit A, pp. 3-4.

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).

FAP and SER

Petitioner requested a hearing to dispute the Department's actions concerning his FAP and MA cases and his SER application. At the commencement of the hearing, Petitioner testified he was satisfied with the Department's actions in both his FAP case and SER application and withdrew his hearing request regarding FAP and SER. Therefore, Petitioner's hearing request regarding FAP and SER is **DISMISSED**.

MA

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's hearing request did not explain what Department actions or decisions he disputed regarding MA. When asked to clarify his request, Petitioner explained that when he tried to use his MA benefits on or after May 1, 2024, he was told by Aetna and Procure that his coverage was not effective. Further, Petitioner explained that his care nurse did not get paid for services rendered during the month of December 2023.

The Department testified Petitioner had previous coverage under SSI-MA, based on his receipt of Supplemental Security Income from the Social Security Administration, that ended January 31, 2024. The Department explained that effective February 1, 2024 ongoing, Petitioner had MA AD-Care and MSP-QMB. AD-Care is a full-coverage MA program for eligible individuals who are disabled or over age 65. BEM 163 (July 2017) p.

1. Individuals with MSP-QMB coverage have their Medicare premiums and other Medicare copays and deductibles paid for by the State. In response to a redetermination Petitioner completed, the Department sent an April 5, 2024 HCCDN that indicated Petitioner was eligible for AD-Care and MSP-QMB effective May 1, 2024 ongoing, but the Department explained that Petitioner's MA AD-Care coverage began February 1, 2024 and was ongoing.

The authority of an Administrative Law Judge (ALJ) is limited to the following: denials of an application and/or supplemental payments; reductions in the amount of program benefits or service; suspensions or terminations of program benefits or service; restrictions under which benefits or services are provided; and delays of any action beyond standards of promptness. BAM 600 (June 2024) p. 5. Because the Department established that Petitioner had ongoing, uninterrupted full coverage MA, first through MA for SSI recipients and then, from February 1, 2024 ongoing, through MA AD-Care coverage, Petitioner has failed to show that he has a hearable issue regarding MA.

Petitioner is advised to have his medical providers rebill Medicaid for services rendered that he alleges were denied.

The ALJ does not have jurisdiction to decide Petitioner's MA issue. Therefore, Petitioner's hearing request regarding MA coverage is **DISMISSED** for lack of jurisdiction.

DECISION AND ORDER

Accordingly, Petitioner's hearing request regarding **FAP** and **SER** are **DISMISSED** based on Petitioner's hearing request withdrawal.

Petitioner's hearing request regarding **MA** is **DISMISSED** based on lack of jurisdiction.

JN/cc



Julia Norton
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-18-Hearings
BSC4-HearingDecisions
EQADHearings
M. Schaefer
E. Holzhausen
J. McLaughlin
N. Denson-Sogbaka
B. Cabanaw
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

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