



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 11, 2024
MOAHR Docket No.: 24-006649
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 September 12, 2024, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-22.

ISSUE

Did the 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. On February [REDACTED] 2024, Petitioner submitted a Redetermination. (Exhibit A, pp. 3-9)
2. On April [REDACTED] 2024, a Health Care Coverage Determination Notice was issued to Petitioner indicating MA and the Medicare Savings Program (MSP) were denied for Petitioner and her spouse based on a failure to provide savings account verification. (Exhibit A, pp. 1 and 10-14)
3. The Department acknowledged that the April [REDACTED] 2024 denial was an error because a verification checklist had not been sent requesting asset verification for this redetermination. (Exhibit A, p. 1)

4. On June █ 2024, Petitioner submitted a hearing request contesting the Department's determination. (Exhibit A, unnumbered pages)
5. On June █ 2024, case corrections were made, the MSP was reinstated effective May 1, 2024, and MA was approved with a monthly deductibles. A Health Care Coverage Determination Notice was issued to Petitioner. (Exhibit A, pp. 15-18)

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 acknowledged that the April █ 2024 Health Care Coverage Determination Notice denying MA and MSP benefits was issued in error. The Department has since reinstated MA and MSP benefits for Petitioner and her spouse. Petitioner and her spouse both have monthly deductibles for their MA coverage. A Health Care Coverage Determination Notice was issued to Petitioner June █ 2024. (Exhibit A, pp. 1 and 10-18).

Petitioner disagrees with the deductible determinations. (Petitioner Testimony). The deductible calculations were briefly reviewed as this action occurred after the hearing request was filed and no MA budgets were included in the documentary evidence. The deductible amounts on the June █ 2024 Health Care Coverage Determination Notice do not appear to be correct. It was noted that a subsequent Health Care Coverage Determination Notice was issued to Petitioner on September █ 2024. (Hearing Facilitator Testimony). If Petitioner disagrees with this determination, another timely hearing request could be filed to contest that action.

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 issued the April █ 2024 determination denying MA and MSP benefits for Petitioner and her spouse.

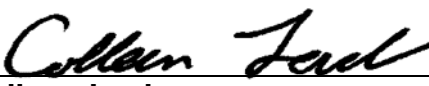
DECISION AND ORDER

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. If not already done, redetermine MA eligibility for Petitioner and her spouse effective May 1, 2024.

CL/dm



Colleen Lack
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
Kristina Etheridge
Calhoun County DHHS
**MDHHS-Calhoun-
Hearings@michigan.gov**

SchaeferM

EQADHearings

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MOAHR

Via-First Class Mail :

[REDACTED]
[REDACTED]
[REDACTED]
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