



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: August 29, 2024
MOAHR Docket No.: 24-007225
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 July 31, 2024, from Lansing, Michigan. ██████████ ██████████ the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-18.

ISSUE

Did the Department properly determine Medical Assistance (MA) eligibility for Petitioner and his spouse?

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 and his spouse had been in noncooperation status with the Office of Child Support (OCS) since June ██████████ 2023. Petitioner and his spouse are the grandparents of the children. (Exhibit A, p. 9)
2. On June ██████████ 2024, a Health Care Coverage Determination Notice was issued to Petitioner denying MA and the Medicare Savings Program (MSP) based on being in noncooperation status with OCS. (Exhibit A, pp. 13-16)

3. On June █ 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-5)
4. Petitioner and his wife have subsequently been determined to be in cooperation status with OCS. (ES Testimony)
5. The Department requested additional verifications, which Petitioner submitted. (ES Testimony)
6. The Department subsequently approved full coverage MA and MSP benefits for Petitioner and his spouse. (ES Testimony)

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.

Cooperation with OCS is a condition of eligibility for MA. BEM 255, February 1, 2024, p. 9. The support specialist determines cooperation for required support actions. The date client fails to cooperate will be populated in the absent parent logical unit of work and negative action is applied the same night automatically. BEM 255, p. 11. The non-cooperation continues until a comply date is entered by the primary support specialist or cooperation is no longer an eligibility factor. The comply date will be populated in the absent parent logical unit of work and the mandatory member will be added to active MA the same night automatically. BEM 255, p. 11.

In this case, Petitioner and his spouse had been in noncooperation status with OCS since June █ 2023. Petitioner and his spouse are the grandparents of the children. (Exhibit A, p. 9).

On June █ 2024, a Health Care Coverage Determination Notice was issued to Petitioner denying MA and the MSP based on being in noncooperation status with OCS. (Exhibit A, pp. 13-16). This was in accordance with the BEM 255 policy because cooperation with OCS is a condition of eligibility for MA.

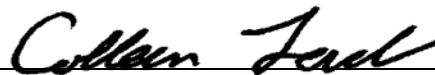
However, Petitioner and his wife have subsequently been determined to be in cooperation status with OCS. The Department requested additional verifications, which Petitioner submitted. The Department subsequently approved full coverage MA and MSP benefits for Petitioner and his spouse. (ES Testimony). Accordingly, it appears that the recent approval of MA and MSP benefits was also 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 acted in accordance with Department policy when it determined Medical Assistance (MA) eligibility for Petitioner and his spouse.

DECISION AND ORDER

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

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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
**MDHHS-Wayne-17-
hearings@michigan.gov**

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MOAHR

Via-First Class Mail :

Petitioner

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