



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], MI [REDACTED]

Date Mailed: August 29, 2024
MOAHR Docket No.: 24-007228
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 August 8, 2024. Petitioner appeared and was represented by her daughter-in-law, [REDACTED] [REDACTED] who she designed as her Authorized Hearing Representative (AHR) with no objection by the Department. The Department of Health and Human Services (Department) was represented by Megan latonna, Hearings Facilitator and Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's and her spouse's, MD S Chowdhury (Spouse), eligibility for Medicaid (MA) coverage effective June 1, 2024?

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 Spouse were ongoing recipients of MA under the Healthy Michigan Plan (HMP), and both are under 65 years old. (Exhibit A, pp. 7 – 13).
2. On April 22, 2024, the Department received a completed MA redetermination application from Petitioner. (Exhibit A, pp. 7 – 13).
3. On May 16, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN), approving Petitioner and Spouse for Plan First Family Planning (PFFP) MA effective June 1, 2024. (Exhibit A, pp. 17 – 20).

4. On June 20, 2024, the Department received a request for hearing from Petitioner, disputing the type of MA coverage for herself and Spouse. (Exhibit A, pp. 4 – 5).
5. On August 8, 2024, the Department sent Petitioner a HCCDN, approving Petitioner and Spouse for full coverage MA under HMP effective June 1, 2024. (Exhibit B, pp. 1 – 3).

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.

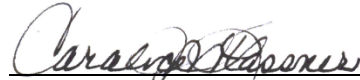
In this case, Petitioner requested a hearing to dispute the change in MA for herself and Spouse from full coverage HMP to PFFP. Upon reviewing Petitioner's case in advance of the hearing, the Department updated Spouse's income information and issued a HCCDN on August 8, 2024, approving Petitioner and Spouse for full coverage MA under HMP effective June 1, 2024. (Exhibit B, pp. 1 – 3). Based on the effective date of June 1, 2024, there was no lapse in Petitioner's or Spouse's full coverage MA. Under federal law, an individual is entitled to the most beneficial category, which is the one that results in a) eligibility, b) the least amount of excess income, or c) the lowest cost share. BEM 105 (January 2024), p. 2. Based on Petitioner and Spouse's age and not being disabled or caretakers of minor children, HMP is the most beneficial MA coverage available to them. BEM 137 (January 2024), p. 1; BEM 105, p. 3. Because full coverage MA under HMP is the most beneficial MA available to Petitioner and Spouse and the Department reinstated HMP with no lapse in coverage, the Department resolved Petitioner's issue and there is no outstanding matter to be addressed concerning the denial, termination or reduction of benefits. BAM 600 (February 2024), p. 5.

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 and resolved Petitioner's issue when it approved Petitioner and Spouse for full coverage MA effective June 1, 2024.

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

Dawn Tromontine
Macomb County DHHS Sterling Heights Dist.
41227 Mound Rd.
Sterling Heights, MI 48314
MDHHS-Macomb-36-Hearings@michigan.gov

Interested Parties

BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED], MI [REDACTED]