



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: August 12, 2024
MOAHR Docket No.: 24-007241
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 August 8, 2024, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Angela Ware, Eligibility Specialist. Also present was Spanish interpreter [REDACTED] [REDACTED]

ISSUE

Did the Department properly determine Petitioner's group's Medical Assistance (MA) eligibility?

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 her children were ongoing MA recipients.
2. In January 2024, the Department received an Asset Detection report showing that Petitioner's husband had unreported assets (Exhibit A, p. 17).
3. On February [REDACTED] 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of Petitioner's assets (Exhibit A, pp. 15-16).
4. On May [REDACTED] 2024, the Department sent Petitioner a Health Care Coverage Determination Notice informing Petitioner that her and her children's MA benefit cases were closing effective July 1, 2024, ongoing (Exhibit A, pp. 11-14).

5. On June 18, 2024, Petitioner submitted a request for hearing disputing the Department's actions.

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 and her three children were ongoing MA recipients. The Department testified that Petitioner's group's MA benefit cases were closed for Petitioner's failure to verify her assets. However, the Department confirmed that Petitioner and her children were MA recipients under Modified Adjusted Gross Income (MAGI) programs. MAGI-related MA programs do not have an asset test. BEM 400 (June 2024), p. 3. It is unclear why the Department sought verification of Petitioner's assets when her group members were ongoing MA recipients under programs that do not consider assets.

The Department testified that subsequent to Petitioner's hearing request, Petitioner's group's MA eligibility was redetermined. Petitioner's two minor children were determined to be eligible for full coverage MA benefits. However, Petitioner and her adult son were determined to be ineligible for full coverage MA benefits. The Department testified that Petitioner's group's eligibility was determined based on household income. However, the Department conceded that Petitioner's income had not been updated since November 2023. The Department also did not present any evidence that a VCL was sent to Petitioner requesting updated income information. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130 (April 2017), p. 7.

The Department failed to present sufficient evidence to establish that it properly followed policy when it determined Petitioner's group's MA eligibility. Therefore, the Department failed to establish that it properly determined Petitioner's group's MA eligibility.

DECISION AND ORDER

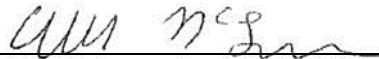
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's group's MA eligibility.

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 group's MA eligibility as of July 1, 2024;
2. Provide Petitioner's group with MA benefits they are entitled to receive; and
3. Notify Petitioner of its decision in writing.

EM/dm



Ellen McLemore
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
Tracy Felder
Wayne-Southwest-DHHS
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MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]