

**Date Mailed:** May 8, 2025

**Docket No.:** 25-010773

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

### **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 teleconference on April 17, 2025 and the parties participated jointly by Microsoft Teams from the Michigan Department of Health and Human Services (Department) local office. Petitioner was represented by her Authorized Hearing Representative (AHR) and daughter, [REDACTED] [REDACTED]. The Department was represented by Avery Smith, Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly determine Petitioner's Medicaid (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 is a [REDACTED] year old single individual who lives in Wayne County and is an ongoing recipient of MA benefits.
2. On September [REDACTED] 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) regarding Petitioner's eligibility for MA and Medicare Savings Program (MSP). The HCCDN informed Petitioner that if she disputed the Department's determination, it must receive a request for hearing from her on or before December 19, 2024. (Exhibit A, pp. 8 – 12).
3. On March [REDACTED] 2025, the Department received a request for hearing from Petitioner disputing the Department's determination of her MA eligibility. (Exhibit A, pp. 3 – 5).
4. On March 21, 2025 and April 3, 2025, the Department received a completed Medical Needs form from Petitioner. The form was completed and signed on March [REDACTED] 2023. (Exhibit A, p. 7).

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5. On April ■ 2025, the Department sent Petitioner a HCCDN regarding Petitioner's eligibility for MA and MSP. (Exhibit B, pp. 1 – 3).
  6. As relevant to this hearing, Petitioner was approved for full coverage MA as follows:
    - a. June 24, 2024 to June 30, 2024,
    - b. July 24, 2024 to July 31, 2024,
    - c. August 3, 2024 to August 31, 2024,
    - d. September 7, 2024 to September 30, 2024,
    - e. November 1, 2024 to November 30, 2024,
    - f. December 1, 2024 to December 31, 2024,
    - g. January, February, March, and April 2025, and
    - h. May 1, 2025 ongoing.

(Exhibit A, p. 8; Exhibit B, pp. 1 – 2).

7. As relevant to this hearing, Petitioner was approved for Group 2 SSI-related (G2S) MA subject to a monthly deductible as follows:
  - a. From June 1, 2024 to June 23, 2024 with a monthly deductible of \$■
  - b. From July 1, 2024 to July 23, 2024 with a monthly deductible of \$■
  - c. From August 1, 2024 to August 2, 2024 with a monthly deductible of \$■ and
  - d. From September 1, 2024 to September 6, 2024 with a monthly deductible of \$■

(Exhibit A, p. 8; Exhibit B, pp. 1 – 2).

### **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

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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.

Petitioner requested a hearing to dispute the Department's determination regarding her MA eligibility and coverage from January 1, 2024 through March 10, 2025. During the hearing, Petitioner's AHR clarified that Petitioner's only outstanding dispute was regarding her MA coverage for January, February, and October 2024.

### **January and February 2024**

As a preliminary matter, regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. As relevant to Petitioner's request for hearing, Rule 792.11002(1) provides that a hearing is granted when the Department receives a client's request for hearing within 90 days of the HCCDN and the client disputes a) a denial of a request for assistance, b) the Department's failure to act upon a request for assistance promptly, or c) the Department's denial or reduction of a client's benefits. BAM 600 (June 2024), p. 2.

Here, the evidence established that prior to Petitioner's March ■ 2025 request for hearing, the last HCCDN issued to her was sent on September ■ 2024 and addressed Petitioner's MA eligibility and coverage through September 30, 2024. The HCCDN also informed Petitioner that if she disputed the Department's determination, the Department had to receive a request for hearing from her on or before December ■ 2024. Petitioner's request for hearing was not received by the Department until March 14, 2025. Thus, Petitioner's request for hearing as to any benefit period prior to October 1, 2024 was not timely filed, does not present a hearable issue, and is, therefore, dismissed for lack of jurisdiction.

Therefore, this decision will only address the Department's determination of Petitioner's MA eligibility for the period from October 1, 2024 through March 14, 2025.

### **October 2024**

Under federal law, an individual is entitled to the most beneficial MA 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. All MA category options must be considered in order for the Petitioner's right of choice to be meaningful. BEM 105, p. 2. Full coverage MA is the most beneficial MA coverage available through the Department. BEM 105 (January 2024).

The evidence established that the Department approved Petitioner for full coverage MA from November 1, 2024 through at least the date of the instant hearing. (Exhibit B, pp. 1 – 2). Additionally, although the HCCDN issued on April 4, 2025 was silent regarding

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Petitioner's eligibility for MA for the month of October 2024, the Department credibly testified that Petitioner was approved for full coverage MA for October 2024.

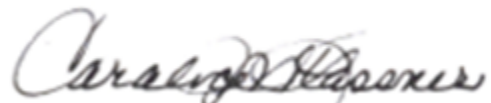
Petitioner's AHR testified that she did not agree with the Department's representations regarding its approval of Petitioner for full coverage MA for October 2024 based on the portion of the April 4, 2025 HCCDN that stated that Petitioner was not eligible for MSP from October 1, 2024 to October 31, 2024. (Exhibit B, p. 2). However, the denial of MSP for Petitioner for October 2024 was not a denial of full coverage MA as MSP is an SSI-related MA program related to payment of a client's Medicare Part B premiums, not MA coverage. BEM 165 (July 2024).

In sum, Petitioner was approved for full coverage MA from October 1, 2024 through at least the date of the hearing and full coverage MA is the best MA coverage available through the Department. Petitioner through the Department. Therefore, the Department acted in accordance with Department policy when it approved Petitioner for full coverage MA from October 1, 2024 through at least the date of the hearing.

### **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 acted in accordance with Department policy when it determined Petitioner's MA eligibility from October 1, 2024 ongoing.

Accordingly, Petitioner's request for hearing regarding Petitioner's MA coverage through September 30, 2024 was not timely filed and is dismissed for lack of jurisdiction, and the Department's decision regarding Petitioner's MA eligibility from October 1, 2024 ongoing is **AFFIRMED**.



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**CARALYCE M. LASSNER**  
**ADMINISTRATIVE LAW JUDGE**

**APPEAL RIGHTS:** Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at [courts.michigan.gov](https://courts.michigan.gov). The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to [MOAHR-BSD-Support@michigan.gov](mailto:MOAHR-BSD-Support@michigan.gov), **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to  
Michigan Office of Administrative Hearings and Rules  
Rehearing/Reconsideration Request  
P.O. Box 30639  
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

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**Via Electronic Mail:**

**Respondent**  
OAKLAND COUNTY DHHS -  
SOUTHFIELD DIST  
25620 W 8 MILE RD  
SOUTHFIELD, MI 48033  
**MDHHS-OAKLAND-6303-  
HEARINGS@MICHIGAN.GOV**

**Interested parties**  
EQAD HEARINGS  
M. SHAEFER  
BSC4

**Via First Class Mail:**

**Petitioner**

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\_\_\_\_\_  
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**Authorized Hearing Rep**

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