



Date Mailed: June 13, 2025

Docket No.: 25-015674

Case No.: [REDACTED]

Petitioner: [REDACTED]

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هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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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; 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 via telephone conference on June 5, 2025. Petitioner appeared and was represented by Attorney Catherine Jacobs. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Assistant Attorney General Melissa Bianchi.

ISSUE

Did the Department properly determine Petitioner's divestment penalty period?

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 filed an application for Medicaid (MA) on February [REDACTED] 2025.
2. On February [REDACTED] 2025, Petitioner divested \$[REDACTED] in assets and disclosed that in her application.
3. On March [REDACTED] 2025, a Health Care Coverage Determination Notice was issued to Petitioner that did not impose a divestment penalty.
4. On April [REDACTED] 2025, a Benefit Notice was issued to Petitioner informing her that her divestment penalty period was from May 1, 2025, through May 31, 2025.
5. On April 21, 2025, Petitioner requested a hearing disputing the timing of the divestment penalty period.
6. The parties' attorneys stipulated that Petitioner is eligible for MA effective February 1, 2025, with a \$[REDACTED] deductible.

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7. The parties' attorneys stipulated that Petitioner divested assets in February 2025 and Petitioner's divestment penalty period is from March 1, 2025, through March 31, 2025.
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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 parties' attorneys stipulated that Petitioner is eligible for MA effective February 1, 2025, with a \$[REDACTED] deductible. The parties' attorneys stipulated that Petitioner divested assets in February 2025 and Petitioner's divestment penalty period is from March 1, 2025, through March 31, 2025. The parties' attorneys signed a stipulation and stated on the record at hearing that they agreed to the terms outlined above.

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 did not act in accordance with Department policy when it determined Petitioner's divestment penalty period.

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. Impose a divestment penalty period from March 1, 2025, through March 31, 2025.



AARON MCCLINTIC
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. 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, **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.

Via Electronic Mail:

Respondent

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Respondent Representative

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SCHAEFERM

EQADHEARINGS

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Via First Class Mail:

Petitioner Representative

[REDACTED]

Petitioner

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