STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES

IN THE MATTER OF:

[redacted]

Reg. No.: 15-004682
Issue No.: 2001
Case No.: [redacted]
Hearing Date: May 13, 2015
County: Washtenaw (District 20)

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

HEARING DECISION

Following Claimant'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 telephone hearing was held on May 13, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant and her friend, [redacted]. Participants on behalf of the Department of Health and Human Services (Department) included Eligibility Specialist Deonna Harris and Family Independence Manager [redacted].

ISSUE

Did the Department properly determine Claimant's eligibility for Medical Assistance (MA) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an on-going recipient of MA.

2. Claimant was required to complete a Redetermination to evaluate her continuing eligibility for the Health Michigan Plan (HMP) and she submitted the completed Redetermination on November 17, 2014.

3. Claimant's income consists of a pension of $[redacted] per month, and Retirement, Survivors and Disability Income (RSDI) of $[redacted] per month.

4. On February 13, 2015, the Department notified Claimant that, because of her income, she was no longer eligible for the HMP. (Exhibit A Page 4.)

5. On February 26, 2015, the Department notified Claimant that she was instead placed into the G2S program with a monthly deductible of $[redacted] for March 2015 and $[redacted] from April 1, 2015 onward.

6. The Department received Claimant's hearing request on March 16, 2015.

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.

The annual deductible for the HMP is $15,521.10 for someone between ages 19 and 64. Claimant is [redacted] years old. Her monthly income is $[redacted] or $[redacted] annually. She exceeds the limits of the HMP. The Department provided the budget it used in calculating Claimant's monthly deductible under the G2S program at Exhibit A Page 40. There is nothing in the budget that reflects an error based upon the evidence that was presented.

Claimant contended that she cannot afford a $[redacted] deductible after she pays her other monthly bills. That could well be true. However, this Administrative Law Judge is delegated authority pursuant to a written directive signed by the Department of Human Services Director, which states:

> Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. Michigan Mutual Liability Co. v Baker, 295 Mich 237; 294 NW 168 (1940). Accordingly, the Administrative Law Judge does not have the authority to substitute its judgment for Department policy, regardless of his opinion as to what might seem "right" or "fair", regardless of the circumstances of a particular case.

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 changed Claimant's MA from the HMP to the G2S.

DECISION AND ORDER

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

Darryl Johnson
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/14/2015**

Date Mailed: **5/14/2015**

DJ/jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc: [redacted]