



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 11, 2016
MAHS Docket No.: 16-000990
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 telephone hearing was held on March 8, 2016, from Lansing, Michigan. The Petitioner represented herself. Her mother-in-law, [REDACTED], also testified on her behalf. The Department of Health and Human Services (Department) was represented by Assistance Payment Supervisor [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly determine Petitioner's eligibility for Medicaid (MA)?

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 was an on-going recipient of MA.
2. On December 1, 2015, the Department mailed to Petitioner a Semi-Annual Contact Report which she completed and returned, reporting a monthly income of \$ [REDACTED]. Exhibit 1 Pages 19-20.
3. On January 5, 2016, the Department mailed to Petitioner a Verification Checklist (VCL) (Exhibit 1 Pages 12-13) requiring her to verify her home rent as a condition of her on-going eligibility.

4. Petitioner provided a Tenant Certification (Exhibit 1 Pages 9-10) reflecting her rent and the household income she and her husband receive.
5. Petitioner's husband receives gross income of \$ [REDACTED] per week (Exhibit 1 Page 11) which is the equivalent of \$ [REDACTED] monthly.
6. On January 5, 2016, the Department mailed to Petitioner a Health Care Coverage Determination Notice (Exhibit 1 Pages 14-16) informing her that she and her husband were not eligible for MA beginning February 1, 2016, because she and her husband were not categorically eligible, and because their annual household income of \$ [REDACTED] exceeded the limit of \$21,186.90 applicable to a household size of two between the ages of 19 and 64.
7. On January 19, 2016, the Department received Petitioner's hearing request (Exhibit 1 Page 3) noting a list of medications and medical issues affecting Petitioner.

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 Department closed Petitioner's MA because she and her husband exceeded the income limit. The facts support that finding. Although her husband's net income does not exceed the limit, policy requires the Department to consider gross income rather than net.

The delegation of authority empowering Administrative Law Judges does not permit us to deviate from policy. Policy imposes a limit of \$21,186.90 for Petitioner and her husband to be eligible for MA. That is the equivalent of \$407.44 per week. If her husband's gross income were reduced by \$ [REDACTED] per week, presumably they would be eligible (assuming they meet all other eligibility requirements). It is unfortunate that policy encourages people to earn less than they are capable of earning, but if there is a trade-off between earning \$ [REDACTED] per month and being eligible for MA, or earning \$ [REDACTED] per month and not being eligible for MA, that is a decision Petitioner and her

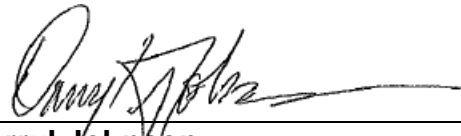
husband must face. But, as long as the group's income exceeds the limit, they are ineligible.

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 closed Petitioner's MA.

DECISION AND ORDER

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

DJ/mc



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

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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]