



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 10, 2016
MAHS Docket No.: 16-004813
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 24, 2016, from Lansing, Michigan. The Petitioner was represented by himself and his wife, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED] Family Independence Specialist.

ISSUE

Did the Department properly determine that the Petitioner had excess income for Medical Assistance (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. The Petitioner received MA benefits of Ad Care without a deductible, but began working and earning additional income. Department Exhibit 1, pgs. 1-8.
2. On April 5, 2016, the Department closed the Petitioner's MA Ad Care benefits due to excess income and opened a MA case with a deductible. Department Exhibit 2, pgs. 1-8.
3. On April 6, 2016, the Petitioner filed a hearing request, protesting the Department's negative actions.

4. On April 18, 2016, the Department sent the Petitioner a notice that he had to meet a deductible of [REDACTED] before he was eligible for MA effective May 1, 2016. Department Exhibit 4.

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 Petitioner received MA benefits of Ad Care without a deductible, but began working and earning additional income. Department Exhibit 1, pgs. 1-8. On April 5, 2016, the Department closed the Petitioner's MA Ad Care benefits due to excess income and opened a MA case with a deductible. Department Exhibit 2, pgs. 1-8. On April 6, 2016, the Petitioner filed a hearing request, protesting the Department's negative actions. On April 18, 2016, the Department sent the Petitioner a notice that he had to meet a deductible of [REDACTED] before he was eligible for MA effective May 1, 2016. Department Exhibit 4.

Based on the Petitioner's income of [REDACTED] from Social Security RSDI and his wife's RSDI of [REDACTED] combined with his earned income of [REDACTED], the Petitioner had excess income for MA Ad Care.

As a result of his excess income for MA AD-Care, the Petitioner was determined eligible for a MA Spenddown/Deductible case for a household group size of 2. The Petitioner had an adult's prorated income of [REDACTED] and a spouse's prorated income of [REDACTED]. His net income of [REDACTED] was determined by [REDACTED] adult's share of adult's own income, [REDACTED] of the spouse's share of spouses own income, and [REDACTED] of the couple's share of each other's income. After deductions of a protected income of [REDACTED] and insurance premiums of [REDACTED] the Petitioner had a deductible of [REDACTED] that he must meet before being eligible for MA. Department Exhibit 3-1. BEM 210.

The Department has met its burden. The Petitioner had excess income for MA AD-Care, which resulted in the Petitioner being eligible for MA with a deductible of [REDACTED] that he must meet before being eligible for MA because the Petitioner earned employment income that resulted in excess income.

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 that the Petitioner had excess income for MA Ad Care, resulting in a MA deductible of [REDACTED].

DECISION AND ORDER

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

Carmen G. Fahie

Carmen G. Fahie

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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]