



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 29, 2016
MAHS Docket No.: 16-012354
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 September 27, 2016, from Lansing, Michigan. The Petitioner appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly close Petitioner's Healthy Michigan Plan (HMP) 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. Petitioner was an on-going recipient of benefits under the HMP.
2. Petitioner is part of a group of 1, between the ages of 19 and 64.
3. Petitioner receives \$ [REDACTED] per month in unearned income from the Social Security Administration.
4. In July 2016, Petitioner reported to the Department that he had begun working part-time for a staffing agency, earning \$ [REDACTED] per hour.

5. Petitioner provided the Department with check stubs (Exhibit 1, Pages 11-15) in which his wages were reported. The weekly wages were: July 29, 2016 - \$ [REDACTED]; August 5, 2016 - \$ [REDACTED]; August 12, 2016 - \$ [REDACTED]; August 19, 2016 - \$ [REDACTED].
6. Based upon his unearned and earned income, the Department provided Petitioner with a Health Care Coverage Determination Notice (Pages 22-25) dated August 10, 2016, informing Petitioner that his HMP was closing as of September 1, 2016, because his income exceeded the \$ [REDACTED] limit for a group of 1.
7. The Department received Petitioner's hearing request, protesting the closure of his HMP, on August 23, 2016.

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).

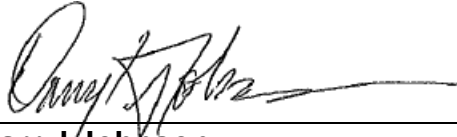
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation 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.

It is not within the scope of the Administrative Law Judge's authority to create new guidelines, eligibility criteria, or deductibles that the Department is to use. The issues that can be decided are whether the Department followed policy with respect to each program, based upon the existing rules, laws, policies, etc. In this case, the Department presented sufficient evidence to find that Petitioner's income exceeded the maximum allowable amount for him to be provided HMP as a group of one. His reported weekly wages for four weeks totaled \$ [REDACTED], which is \$ [REDACTED] per week. The formula to make that a monthly income is to take the weekly income and multiply it by 4.3. In this case, his monthly earned income is \$ [REDACTED]. His unearned income of \$ [REDACTED] is added to that, which puts his monthly income at \$ [REDACTED]. The annual limit for a single person (Page 23) is \$ [REDACTED], or \$ [REDACTED] per month. His earned income alone puts him over the limit.

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 HMP.

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]

Petitioner

[REDACTED]