



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: November 21, 2016
MAHS Docket No.: 16-013375
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 November 17, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf, along with her father, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED] and Eligibility Specialist [REDACTED] [REDACTED].

ISSUE

Did the Department properly close Petitioner's 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. Petitioner was an on-going MA recipient.
2. On September 5, 2016, Petitioner reported that she had taken a second job.
3. With the second job, Petitioner's income consisted of \$ [REDACTED] per month from her job at a jewelry store, and \$ [REDACTED] from a retail chain store. Total monthly income is \$ [REDACTED].
4. On September 8, 2016, the Department mailed to Petitioner a Health Care Coverage Determination Notice (Exhibit 1 Pages 13-16), informing Petitioner that

her MA was being closed as of October 1, 2016 because her annual income exceeded the \$ [REDACTED] limit for a household with one group member between the ages of 19 and 64.

5. On September 13, 2016, the Department received Petitioner's hearing request, protesting the closure of her MA.

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, Petitioner does not dispute the figures that the Department used in determining her MA eligibility. Her frustration is that she took a second job so she could afford to continue with her education and find a better job. An unfortunate result is that she no was no longer eligible for MA, but at the same time it would cost her approximately \$ [REDACTED] per month to obtain insurance through the market place. She testified that the penalty for not carrying insurance is about 2/3 the cost of the premiums. Even though she is only 23 years old, her father is a retiree whose health insurance is not required to provide coverage for her. She is in a situation where none of her options is palatable.

She has presented a set of unfortunate circumstances, but there is nothing that the Department can do to assist her. The income limit for a household like hers is \$ [REDACTED] annually, or \$ [REDACTED] per month. The Department does not measure her eligibility based upon her total earnings in a particular calendar year; it measures her eligibility based upon her monthly earnings, assuming (absent evidence to the contrary) that the income will continue at the same pace for the foreseeable future. If her income decreases she might be eligible again, but with her present income at \$ [REDACTED] per month, she is not eligible.

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 acted in accordance with Department policy when it closed Petitioner's MA.

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]