



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.: 16-015445
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 his own behalf. The Department of Health and Human Services (Department) was represented by Eligibility Specialists [REDACTED] and [REDACTED].

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) Healthy Michigan Plan (HMP) 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 HMP recipient who was part of a group of one, between the ages of 19 and 64.
2. On October 14, 2016, Petitioner submitted a New Hire Report (Exhibit 1 Pages 1-2) and check stubs (Pages 3-5) to document his employment at [REDACTED].
3. The Department calculated his monthly income, based upon 40 hours per week, at \$[REDACTED] per hour, to be \$[REDACTED] per week, or \$[REDACTED] per month.

4. On October 18, 2016, the Department mailed to Petitioner a Health Care Coverage Determination Notice (Pages 11-14) to notify him that his HMP would be closing as of December 1, 2016, because his income exceeded the program limit of \$ [REDACTED] annually for someone in his group size.
5. On October 21, 2016, the Department received Petitioner's hearing request, protesting the closure of his HMP.

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 takes exception to the policy that makes him ineligible for MA when he has only been on the job for a short period. He does not believe he should be ineligible until his income for a year has exceeded the \$ [REDACTED] limit because there is no proof that he will earn that much in a year.

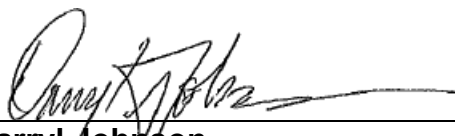
The Department uses an annualized figure of \$ [REDACTED] as the upper limit for a single adult (non-senior) to be eligible for HMP. That works out to \$ [REDACTED] per week. No matter which figures are used, everything points to Petitioner exceeding the income limit. The policy does not allow a person to be eligible until they reach the point in the year that they exceed the \$ [REDACTED] limit. The Department is to take their actual gross income and annualize it, then compare it with the limit. If they exceed the limit, even after one week at work (assuming the work is expected to be consistent) based upon their projected annual income, then they are not eligible.

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 HMP.

DECISION AND ORDER

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

DJ/mc

A handwritten signature in black ink, appearing to read 'Darryl Johnson', is written over a horizontal line.

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]