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

SHELLY EDGERTON DIRECTOR



Date Mailed: December 12, 2016 MAHS Docket No.: 16-015462

## ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

### **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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 17, 2016, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by General Services Program Manager . The Department submitted exhibits which were admitted. The record was closed at the conclusion of the hearing.

#### ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the Medical Assistance (MA-P) benefit program?

#### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. On August 21, 2015, Petitioner submitted a Medicaid and Retro-Medicaid application to the Department.
- 2. At the time of application, Petitioner was receiving a month from a month from total combined monthly income of total combined. [Dept. Exh. 1, 18-19, 21-22].
- 3. The Healthy Michigan Plan (HMP) income limit for a group of two at the time of application was **Exercise**. [Dept. Exh. 1, 24].

- 4. The AdCare income limit for two people at the time of application was [Dept. Exh. 1].
- 5. On October 26, 2015, the Department received information from the Social Security Administration indicating Petitioner's application for disability had been processed and she had been denied disability because of excess income. [Dept. Exh. 35-36].
- 6. On March 9, 2016, the Department issued a Health Care Coverage Determination Notice to Petitioner informing her that her application for Medicaid/Retro-Medicaid had been denied. [Dept. Exh. 235-238].
- 7. On March 21, 2016, the Department received Petitioner's request for a hearing.

# 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), and Department of Health and Human Services Reference Tables Manual (RFT).

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.

To be eligible for MA, the person must not be eligible for MA under BEM 155 through 164, 170 or 171. BEM 166, p 1 (71/2013). The person must be aged, blind or disabled and meet income eligibility. *Id.* (Emphasis added). Income eligibility exists for MA when the net income does not exceed the Group 2 needs in BEM 544. *Id.* at 2 (7/1/2013).

is a federal benefit administered by the Social Security Administration that is available to retired and disabled individuals, their dependents, and survivors of deceased workers. Bridges counts the gross benefit amount as unearned income. BEM 503, p 28, (7/1/2016).

In this case, Petitioner and her husband have a combined countable monthly unearned income of the second se

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Because Petitioner is unable to meet income eligibility, any disability determination made by the undersigned ALJ would not change the fact that Petitioner's income exceeds the eligibility limits.

## **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 Petitioner not disabled for purposes of the MA benefit program based on excess income.

Accordingly, the Department's determination is AFFIRMED.

Juli Z.

**Vicki Armstrong** 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

