



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

[REDACTED]
[REDACTED]

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 [REDACTED]. The Department submitted [REDACTED] 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 [REDACTED] a month from [REDACTED]. Her spouse was receiving [REDACTED] a month, for a total combined monthly income of [REDACTED]. [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 [REDACTED]. [Dept. Exh. 1, 24].

4. The AdCare income limit for two people at the time of application was [REDACTED] [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 (7/1/2013). 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).

[REDACTED] 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 [REDACTED]. Petitioner was over the [REDACTED] monthly income limit for a group of two for the Healthy Michigan Plan (HMP) program. Petitioner was also over the [REDACTED] monthly income limit for two people at the time of application for full coverage AdCare. The Social Security Administration also denied Petitioner's application for disability based on excess income.

