



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: December 19, 2016
MAHS Docket No.: 16-016692
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 December 8, 2016, from Lansing, Michigan. The Petitioner appeared on his own behalf, along with his wife, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Family Independence Manager [REDACTED] [REDACTED], and Eligibility Specialist [REDACTED] [REDACTED].

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) deductible?

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 and his wife are on-going MA recipients who belong in a group of two, age 65 and over.
2. Petitioner's monthly income consists of RSDI of \$ [REDACTED] and a pension of \$ [REDACTED] and his wife receives RSDI of \$ [REDACTED] along with a pension of \$ [REDACTED] for total monthly income of \$ [REDACTED].
3. The couple pays rent of \$ [REDACTED] per month.

4. In a Health Care Coverage Determination Notice dated October 24, 2016 (Exhibit 1 Pages 11-16), the couple was approved for MA beginning November 1, 2016, with a \$ [REDACTED] monthly deductible.
5. On November 2, 2016, the Department received Petitioner's hearing request, protesting the deductible amount.

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, the budget provided by the Department (Exhibit 2 Page 6) shows the total income the couple receives. They are allowed a \$ [REDACTED] unearned income general exclusion. See BEM 541 (1/1/17) p. 3. For the first three months of 2017, they are allowed a \$ [REDACTED] COLA exclusion. That leaves them with countable income of \$ [REDACTED]. For a group size of two, in the County Shelter Area VI (RFT 200, 12/1/13), they are allowed a protected income limit of \$ [REDACTED] RFT 240 (12/1/13).

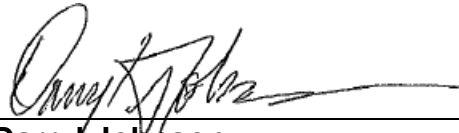
The Department is constrained to abide by policy. When the policy only allows a protected income of \$ [REDACTED] that is all that can be protected.

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 determined Petitioner's deductible.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]