



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: September 28, 2016
MAHS Docket No.: 16-010526
[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 September 1, 2016, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Assisted Payments Supervisor.

ISSUE

Did the Department properly determine the Petitioner's eligibility for the Healthy Michigan Program (HMP) for Medical Assistance?

FINDINGS OF FACT

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

1. The Petitioner was a recipient of HMP with a redetermination due. Department Exhibit 1, pgs. 5-10.
2. The Petitioner had earned income of [REDACTED] monthly for a yearly income of [REDACTED] his Social Security benefits were [REDACTED] per month for an annual benefit of [REDACTED], and a net profit from his farm of [REDACTED]. Department Exhibit 1, pgs. 11-18.

3. On July 13, 2016, the Department determined and sent a notice that the Petitioner had excess income for HMP, which resulted in his HMP case was closed effective August 1, 2016. Department Exhibit 1, pgs. 5-10.
4. On July 20, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 Petitioner was a recipient of HMP with a redetermination due. Department Exhibit 1, pgs. 5-10. The Petitioner had earned income of [REDACTED] monthly for a yearly income of [REDACTED], his Social Security benefits were [REDACTED] per month for an annual benefit of [REDACTED], and a net profit from his farm of [REDACTED]. Department Exhibit 1, pgs. 11-18. On July 13, 2016, the Department determined and sent a notice that the Petitioner had excess income for HMP, which resulted in his HMP case was closed effective August 1, 2016. Department Exhibit 1, pgs. 5-10. On July 20, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 137, 503, 501, 502, and 500. BAM 600.

During the hearing, the Petitioner thought that the Department should use his adjusted gross income, but the Department's policy clearly states that they have to use net income per BEM 502, page 3 for Countable Self-Employment Income...Note: MAGI related Medicaid uses net income as declared on the federal tax return. As a result, the Department properly determined that the Petitioner had excess income for HMP.

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 that the Petitioner had excess income for HMP.

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

Carmen G. Fahie

Carmen G. Fahie

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