



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: October 21, 2016
MAHS Docket No.: 16-013323
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 October 13, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Eligibility Specialist [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 was an on-going recipient of MA.
2. Petitioner's source of income is RSDI of \$[REDACTED] per month, and she is a senior in a group of one.
3. In June 2016, the Department mistakenly included an on-going medical expense of \$[REDACTED] (Exhibit 1 Page 11) that was being counted toward her medical expenses in determining her monthly deductible.

4. Beginning September 1, 2016, the Department corrected that error and determined that she would have a monthly deductible of \$ [REDACTED] (Page 12).
5. In a Health Care Coverage Determination Notice (Pages 26-29) the Department informed Petitioner that she was not eligible for MA beginning October 1, 2016, because she had not returned a redetermination form.
6. The Department did not provide in its exhibits any redetermination form that was mailed to Petitioner.
7. On September 15, 2016, the Department received Petitioner's hearing request (Page 2) stating she needs "full Medicaid".

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 was receiving MA, and the Department mistakenly had budgeted an on-going medical expense that was much greater than her deductible would have been. Because of that expense, she was not required to pay any monthly deductible. After the Department removed that expense, she was given a monthly deductible of \$ [REDACTED]. The income budget (Page 12) accurately reflects her income and her allowable expenses. BEM 503 (7/1/16) at page 28 requires Bridges to count the gross benefit amount of RSDI and other retirement income.

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 based the PPA on the gross income instead of using after-tax income.

DECISION AND ORDER

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

DJ/mc

A handwritten signature in black ink, appearing to read 'Darryl Johnson', 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]