



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 1, 2016
MAHS Docket No.: 16-013588

[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 October 19, 2016, from Lansing, Michigan. The Petitioner was represented by herself and her daughter, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly determine that the Petitioner had excess income for the Medicare Cost Share 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. The Petitioner was a recipient of Medicare Cost Share Program with a redetermination due by September 2016.
2. On August 31, 2016, the Department received the Petitioner's Redetermination Application, DHS 1010. Department Exhibit 1, pgs. 2-7.
3. On September 15, 2016, the Department Caseworker determined that the Petitioner had excess income from her Social Security RSDI and child support income. Department Exhibit 1, pgs. 8-13.

4. On September 15, 2016, the Department Caseworker sent the Petitioner a notice of Health Care Coverage Determination Notice, DHS 1606, that her MA coverage would end on October 1, 2016 because she had excess income for Medicare Cost Share Program. Department Exhibit 1, pgs. 18-20.
5. On September 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 Medicare Cost Share Program with a redetermination due by September 2016. On August 31, 2016, the Department received the Petitioner's Redetermination Application, DHS 1010. Department Exhibit 1, pgs. 2-7. On September 15, 2016, the Department Caseworker determined that the Petitioner had excess income from her Social Security RSDI and child support income. Department Exhibit 1, pgs. 8-13. On September 15, 2016, the Department Caseworker sent the Petitioner a notice of Health Care Coverage Determination Notice, DHS 1606, that her MA coverage would end on October 1, 2016 because she had excess income for Medicare Cost Share Program. Department Exhibit 1, pgs. 18-20. On September 20, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 210, 220, and 600. BEM 165 and 211. RFT 242.

During the hearing, the Department explained how they made the determination that the Petitioner had excess income. The Petitioner had [REDACTED] income of [REDACTED]. Department Exhibit 1, pgs. 8-10. She also received [REDACTED] in child support. Department Exhibit 1, pgs. 11-13. The Petitioner had a gross income of [REDACTED]. She was eligible for [REDACTED] unearned income general exclusion resulting in a net income of [REDACTED]. The Program income limits for Medicare Cost Share was [REDACTED]. As a result, the Petitioner failed the income test by [REDACTED]. Department Exhibit 1, pg. 16.

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 the Medicare Cost Share Program.

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

██████████

██████████
████████████████████
██████████ ██████████

██████████████████

████████████████████
██████████████████
██████████ ██████████