



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: January 23, 2017  
MAHS Docket No.: 16-017216  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

### **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 15, 2016, from Lansing, Michigan. Petitioner was represented by his authorized hearing representative from [REDACTED], [REDACTED]. The Department was represented by Eligibility Specialist [REDACTED] and Family Independence Manager [REDACTED]. Department's Exhibit A, pages 1-33 was admitted into evidence. Petitioner's Exhibit 1 was admitted into evidence.

### **ISSUE**

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility for March 2016?

### **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 April 1, 2016, the State of Michigan updated all the Medical Assistance (MA) program income eligibility levels based on the federal poverty levels. The update included the Modified Adjusted Gross Income (MAGI) eligibility levels. The 133% annual income limit for a single adult went from \$ [REDACTED] up to \$ [REDACTED]. The 138% annual income limit (applying the 5% disregard) for a single adult went from \$ [REDACTED] up to \$ [REDACTED].
2. On May 27, 2016, Petitioner was approved for full coverage Medical Assistance (MA) from April 1, 2016 ongoing. Petitioner's MAGI income was determined as

\$ [REDACTED] from his 2015 federal income tax forms. Petitioner was below the 138% income limit of \$ [REDACTED] which went into effect on April 1, 2016.

3. On June 2, 2016, [REDACTED] submitted a retroactive Medical Assistance (MA) application for March 2016.
4. On July 25, 2016, Petitioner was found not eligible for Medical Assistance (MA) from March 1-31, 2016 due to excess income. Petitioner's MAGI income was determined as \$ [REDACTED] from his 2015 federal income tax forms. Petitioner was over the 138% income limit of \$ [REDACTED] which was in effect until April 1, 2016.
5. On September 29, 2016, Advomas submitted a hearing request.

### **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.

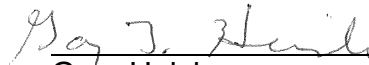
The 2016 Michigan MAGI Eligibility Levels table that was issued does not state the effective date for the change. It does state it was updated "3/16/2016". In other areas of Department policy, RFB 2016-003 Federal Poverty Level Increase for April (4-1-2016) states "the annual increase in the Federal Poverty Levels has been released and are effective on April 1, 2016." Bridges Eligibility Manual (BEM) 105 Medicaid Overview states "Medicaid eligibility is determined on a calendar month basis." In light of these specific references, it is not reasonable to argue that the increased income limit would go into effect on March 16, 2016, half way through the month.

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 Medical Assistance (MA) eligibility for March 2016.

**DECISION AND ORDER**

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

GH/nr



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Gary Heisler  
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

**Counsel for Petitioner**

[REDACTED]

**DHHS**

[REDACTED]

**Petitioner**

[REDACTED]