



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]  
[REDACTED]

Date Mailed: February 10, 2017  
MAHS Docket No.: 16-018596  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 [REDACTED], from [REDACTED] Michigan. Petitioner's spouse, [REDACTED], appeared on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED] [REDACTED], hearing facilitator, and [REDACTED] [REDACTED], specialist. [REDACTED] appeared as a [REDACTED] language translator.

### **ISSUE**

The issue is whether MDHHS properly denied Petitioner's Medical Assistance (MA) eligibility.

### **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 [REDACTED], Petitioner applied for MA benefits.
2. Petitioner's application failed to indicate a claim of disability.
3. Petitioner was a member of a household that included Petitioner's spouse.
4. Petitioner's spouse had ongoing employment income of [REDACTED]/week.

5. On [REDACTED], MDHHS denied Petitioner's MA application due to excess income.
6. On [REDACTED], Petitioner requested a hearing to dispute the denial of MA benefits.

### **CONCLUSIONS OF LAW**

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a denial of MA benefits. Petitioner's spouse testified that the dispute was limited only to her husband's MA eligibility. MDHHS presented a Health Care Coverage Determination Notice (Exhibit 1, pp. 11-15) dated [REDACTED]. The notice included denial reasons for various MA categories.

Medicaid is also known as Medical Assistance (MA). BEM 105 (January 2016), p. 1. The Medicaid program comprise [sic] several sub-programs or categories. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Medicaid eligibility for children under 19, parents or caretakers of children, pregnant or recently pregnant women, former foster children, MOMS, MICHild and Healthy Michigan Plan is based on Modified Adjusted Gross Income (MAGI) methodology. *Id.*

Petitioner testified that her husband died on [REDACTED]. Petitioner testified that he was diagnosed with pancreatic cancer (stage 4) shortly before he died. Petitioner's testimony was highly indicative that her husband was disabled at the time he applied for MA benefits.

MDHHS presented Petitioner's application for MA benefits (Exhibit 1, pp. 1-8) dated [REDACTED]. The application stated Petitioner did not have a health condition that caused limitations in activities.

MDHHS credibly testified that MDHHS received a supplemental questionnaire (not presented) also dated [REDACTED]. MDHHS credibly testified the questionnaire did not indicate a claim of disability.

Despite Petitioner's failure to alert MDHHS to a claim of disability, testimony was considered concerning whether Petitioner informed MDHHS of her husband's condition before her application was denied. Testimony from Petitioner's assigned specialist credibly denied knowing of Petitioner's condition until Petitioner's spouse requested a hearing.

It is found MDHHS was unaware of Petitioner's condition through the date of application denial. Thus, MDHHS had no reason to consider MA benefits for Petitioner for an SSI-related category.

It was not disputed that Petitioner did not have minor children at the time of his death. Thus, MDHHS would have no reason to consider a MA category based on a caretaker status. This leaves Petitioner with only the possibility of MA eligibility through the Healthy Michigan Plan.

HMP is a health care program administered by the Michigan Department of Community Health, Medical Services Administration. The program is authorized under the Affordable Care Act of 2010 as codified under 1902(a)(10)(A)(i)(VIII) of the Social Security Act and in compliance with the Michigan Public Act 107 of 2013. HMP policies are found in the Medicaid Provider Manual and Modified Adjusted Gross Income Related Eligibility Manual (MAGIM).

HMP income limits are based on 133% of the federal poverty level. RFT 246 (April 2014), p. 1. The federal poverty level is \$16,020 for a two-person group. To be income-eligible for HMP benefits, Petitioner's income would have to fall at or below \$21,307/year.

MDHHS presented an earnings statement dated [REDACTED] (Exhibit 1, p. 10) from Petitioner's spouse's employment. The statement listed a weekly gross income of [REDACTED].

Converting Petitioner's spouse's income to a full year requires multiplying the income by 48 (for 4 weeks per month x 12 months). Petitioner's spouse's income is found to be [REDACTED]. The income exceeds the limit for HMP.

Had the severity of Petitioner's condition been timely reported, a different outcome would be justified. It should also be noted that MDHHS could have advised Petitioner to apply for retroactive MA benefits upon learning of Petitioner's condition as of the hearing date; had MDHHS done so, Petitioner's spouse might have secured MA benefits in [REDACTED] for her husband. Unfortunately, neither event occurred. As sympathetic as Petitioner's circumstances are, it can only be found that MDHHS properly denied Petitioner's MA application.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's MA application dated [REDACTED]. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



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**Christian Gardocki**  
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]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]