



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: February 24, 2017  
MAHS Docket No.: 16-019395  
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 February 22, 2017, from Lansing, Michigan. The Petitioner appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED] [REDACTED] and Eligibility Specialist [REDACTED]  
[REDACTED]

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) benefits?

### **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 MA recipient.
2. Petitioner lives in a household of one, and he is between the ages of 19 and 64.
3. Petitioner counts his child as a dependent for income tax purposes.
4. Petitioner began earning wages as a contract employee starting September 14, 2016 (Exhibit A, Pages 11-12), earning \$ [REDACTED] per hour for at least 40 hours per week.

5. Petitioner is a seasonal employee with his employment expected to end April 16, 2017.
6. On November 30, 2016, the Department mailed to Petitioner a Health Care Coverage Determination Notice (Pages 2-4) informing him that his MA would end as of January 1, 2017 because his income exceeded the eligibility limits.
7. On December 12, 2016, the Department received Petitioner's hearing request, protesting the closure of his MA.

### **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 is earning \$ [REDACTED] per hour, for 40 or more hours per week. His check stubs (Pages 13-19) show that his gross wages are at least \$ [REDACTED] per week. That is the equivalent of \$ [REDACTED] per year, without counting overtime. The income limit for a household of one in his age bracket is \$ [REDACTED]. Even if he were able to include his son in his household, the income limit is just \$ [REDACTED] for a household of two. In either case, his income is over the respective limits.

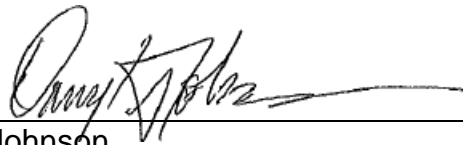
Petitioner explained that he did not make more than the income limit in 2016, and because his job is expected to end in April 2017, he does not know that he will exceed the limit in 2017. As explained in BEM 530, (1/1/14), p. 1, "Determine income eligibility and post-eligibility patient-pay amounts (PPA) on a calendar month basis. Use one budget to determine income eligibility (or post-eligibility PPA) for multiple months if the circumstances for each of the months are identical." Although the income limits (Page 3) are shown on an annual basis, the Department determines eligibility on a monthly basis. The monthly income limit for a group of one is \$ [REDACTED] and his income is more than \$ [REDACTED] per month. Because his monthly income exceeds the limit, he is not eligible.

**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 closed Petitioner's MA.

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

DJ/nr



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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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]