



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: March 17, 2017  
MAHS Docket No.: 17-001090  
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 three-way telephone hearing was held on March 1, 2017 from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Family Independence Manager [REDACTED] [REDACTED] and Eligibility Specialist [REDACTED] [REDACTED]

### **ISSUE**

Did the Department properly deny Petitioner's application for Medical Assistance (MA)?

### **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 applied for MA on December 13, 2016 (Exhibit A, Pages 1-6).
2. In her application, Petitioner said that she was working for \$ [REDACTED] per hour, for 40 hours per week (Page 5).
3. On January 3, 2017, the Department denied Petitioner's application (Pages 8-10), stating her annual income of \$ [REDACTED] exceeded the income limit of \$ [REDACTED] per year for a household of one who is between the age of 19 and 64.
4. On January 20, 2017, the Department received Petitioner's hearing request, protesting the denial of her application.

## 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 MA income limit for a single person between the ages of 19 and 64 is \$ [REDACTED] or \$ [REDACTED] per month. The Department concluded that Petitioner's income was \$ [REDACTED] annually. Because she reported working 40 hours per week and \$ [REDACTED] per hour, her weekly income is \$ [REDACTED] and that is \$ [REDACTED]. That is significantly different than the Department's figure of \$ [REDACTED] annually, but it is still more than twice the income limit.

Petitioner testified that she was on disability for a period of time, due to end-stage renal failure, and only receiving about 60% of her former income. She had her right hand amputated. Her disability benefits were ending the week of the hearing. At the time of the hearing, she was no longer in end-stage renal failure. In her application (Page 7) she stated: "Although I listed that I am currently employed, I am on medical leave with renal failure, for which I receive dialysis treatments three times a week, and am not sure that I will be able to return to work.

The Department had mailed to Petitioner a Verification Checklist (Pages 11-12) and a Verification of Employment (Pages 13-14) on January 24, 2017. She was supposed to have the forms completed and returned by February 3, 2017. She did not complete the Verification Checklist, and she did not provide the Verification of Employment to her employer. Had she done so, she might have qualified<sup>1</sup>. But she did not, and the Department could only base its decision upon her reported income. That put her over the limit.

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 denied Petitioner's application for MA.

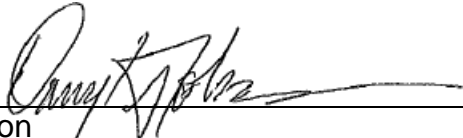
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<sup>1</sup> If she were receiving 60% of her wages as disability, that indicates she had unearned income of \$ [REDACTED] per year. Even that is above the income limit.

**DECISION AND ORDER**

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]