



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: April 21, 2017
MAHS Docket No.: 17-002046
Agency No.: [REDACTED]
Petitioner: [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 March 15, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator. This hearing was held by ALJ Michael J. Bennane, but written by ALJ Carmen G. Fahie.

ISSUE

Did the Department properly deny the Petitioner's application for the Healthy Michigan Program due to excess income?

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 applied for HMP benefits on November 16, 2016, November 30, 2016, December 14, 2016, and January 6, 2017.
2. She also applied for retroactive HMP benefits on December 16, 2016 and January 17, 2017.
3. On November 17, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606 that stated that the Petitioner was not eligible for HMP due to excess income from November 1, 2016 ongoing. Department Exhibit 1, pgs. 9-12.

4. On December 14, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606 that stated that the Petitioner was not eligible for HMP due to excess income from December 1, 2016 ongoing. Department Exhibit 1, pgs. 13-15.
5. On December 22, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606 that stated that the Petitioner was not eligible for HMP due to excess income from November 1, 2016 ongoing. Department Exhibit 1, pgs. 16-19.
6. On January 11, 2017, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606 that stated that the Petitioner was eligible for HMP from December 1, 2016 ongoing. Department Exhibit 1, pgs. 20-23.
7. On January 13, 2017, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606 that stated that the Petitioner was eligible for HMP from February 1, 2017 ongoing. Department Exhibit 1, pgs. 24-28.
8. On January 23, 2017, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606 that stated that the Petitioner was not eligible for HMP from September 1, 2016 through November 30, 2016 due to excess income and from December 1, 2016 through January 31, 2017 that she was eligible, but on another case. Department Exhibit 1, pgs. 29-31.
9. On February 10, 2017, 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 applied for HMP benefits on November 16, 2016, November 30, 2016, December 14, 2016, and January 6, 2017. She also applied for retroactive HMP benefits on December 16, 2016 and January 17, 2017. On November 17, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS

1606 that stated that the Petitioner was not eligible for HMP due to excess income from November 1, 2016 ongoing. Department Exhibit 1, pgs. 9-12. On December 14, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606 that stated that the Petitioner was not eligible for HMP due to excess income from December 1, 2016 ongoing. Department Exhibit 1, pgs. 13-15. On December 22, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606 that stated that the Petitioner was not eligible for HMP due to excess income from November 1, 2016 ongoing. Department Exhibit 1, pgs. 16-19.

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During the hearing, the Department stated that the Petitioner had excess income for HMP for the months of October 2016 and November 2016. The monthly income limit for HMP for 2016 is \$ [REDACTED] for a group size of 1. The Petitioner's monthly income for October 2016 was \$ [REDACTED] Department Exhibit 1, pgs. 3. The Petitioner's monthly income for November 2016 was \$ [REDACTED] Department Exhibit 1, pgs. 3. As a result, the Petitioner had excess income for the months of October 2016 and November 2016 for HMP for a group size of 1. Although the Petitioner argued that she fell and broke her arm in November 2016, which resulted in her getting her vacation pay in November 2016. The Petitioner felt that her vacation pay should not count toward her monthly income. However, vacation pay is unearned income and is countable toward gross monthly income. Therefore, the Department properly determined that the Petitioner had excess income for HMP for October 2016 and November 2016 for a group size of 1.

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 HMP for October 2016 and November 2016 for a group size of 1.

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



CF/nr

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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]