



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

██████████
██████████
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Date Mailed: May 2, 2017
MAHS Docket No.: 17-003219
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 ██████████ from Detroit, Michigan. The Petitioner was represented by ██████████. The Department of Health and Human Services (Department) was represented by ██████████ Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner ineligible for 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. On ██████████, the Department sent Petitioner, which was due to be completed and returned or before ██████████
2. The Department closed Petitioner's case as it did not receive the completed Redetermination prior to the due date.
3. On ██████████, Petitioner returned the Redetermination.
4. The Department reinstated Petitioner's MA benefits pending proof of income.

5. On [REDACTED], Petitioner requested a hearing disputing the Department's actions.
6. On [REDACTED], Petitioner provided her paystubs.
7. The Department reviewed Petitioner's paystubs and determined that she was ineligible for MA benefits due to excess income.

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 Department testified that it sent Petitioner a Redetermination, which was due to be returned on or before [REDACTED]. On [REDACTED], the Department sent Petitioner a Health Care Coverage Determination Notice, which notified Petitioner that she was ineligible for MA benefits due to her failure to return required documentation.

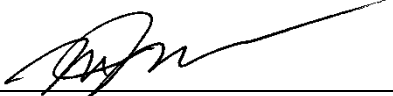
The Department indicated that on [REDACTED], Petitioner returned her paystubs; and as a result, the Department reinstated Petitioner's MA benefits pending proof of income. Petitioner subsequently provided her paystubs. The Department testified that it reviewed Petitioner's paystubs and determined that she was over the allowable income limit to receive MA benefits. There was no evidence provided to demonstrate that Petitioner's income fluctuated substantially from the paystubs she submitted on [REDACTED]. Accordingly, the Department properly determined that Petitioner was ineligible for MA benefits as a result of excess income.

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 held Petitioner ineligible for MA benefits.

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

JM for MJB/jaf



Michael J. Bennane
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

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

DHHS

[REDACTED]

[REDACTED]
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