



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: July 12, 2017
MAHS Docket No.: 17-005731
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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, an in person hearing was held on June 14, 2017, in Saginaw, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility on April 12, 2017?

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 ongoing recipient of Medical Assistance (MA) benefits.
2. Petitioner's gross monthly income is \$ [REDACTED] which consists of \$ [REDACTED] per month of Retirement, Survivor, Disability Income (RSDI) benefits and \$ [REDACTED] per month in a pension payment.
3. Petitioner is not eligible for Medical Assistance (MA) under the Healthy Michigan Plan (HMP) because she is a Medicare recipient.
4. Petitioner's SSI Related Medical Assistance (MA) financial eligibility budget allows the \$ [REDACTED] unearned income disregard and \$ [REDACTED] cost for insurance premiums. That leaves Petitioner with \$ [REDACTED] of countable income. The protected income

limit for Petitioner's location is \$ [REDACTED]. Therefore, Petitioner is eligible for Medicaid as a \$ [REDACTED] deductible.

5. Petitioner's Medicare Savings Program (MSP) financial eligibility budget allows the \$ [REDACTED] unearned income disregard. That leaves Petitioner with \$ [REDACTED] of countable income. That exceeds the MSP income limit of \$ [REDACTED] so Petitioner is not eligible for MSP benefits.
6. On April 12, 2017, Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated she was eligible for Medical Assistance (MA) as a \$ [REDACTED] deductible and was not eligible for Medicare Savings Program (MSP) benefits due to excess income.
7. On April 19, 2017, Petitioner submitted a hearing request.

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.

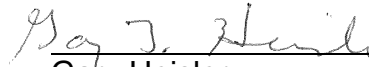
Due to an incorrect coding in the BRIDGES computer program, Petitioner had previously been listed as a recipient of Supplemental Security Income (SSI) benefits. That caused the program to not count her Social Security Administration (SSA) benefits when determining her Medical Assistance (MA) eligibility. When the error was corrected and her Retirement, Survivor, Disability Income (RSDI) benefits were counted, Petitioner was no longer eligible for full Medicaid and Medicare Savings Program (MSP) benefits.

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 Petitioner's Medical Assistance (MA) eligibility on April 12, 2017.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]