



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: August 15, 2017
MAHS Docket No.: 17-007115
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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; 42 CFR 438.400 to 438.424; 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 July 20, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] AP Supervisor. [REDACTED] [REDACTED] also appeared for the Department. Department Ex. A, pp. 1-20 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) Healthy Michigan Program (HMP) case?

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 a recipient of MA-HMP benefits.
2. On March 7, 2017, a new hire notice was sent to Petitioner requesting information regarding her employment with [REDACTED].
3. Check stubs and other documents were received by the Department on April 3, 2017.

4. The Department determined that Petitioner had MA budgeted income of \$ [REDACTED] for March 2017, \$ [REDACTED] for April 2017, \$ [REDACTED] for May 2017, and \$ [REDACTED] for June 2017. (Dept. Ex. A, p.12)
5. Reported earnings were budgeted resulting with Petitioner's MA-HMP closing effective June 1, 2017, due to excess income.
6. A Health Care Coverage Determination Notice was issued to Petitioner on May 9, 2017, informing her that her MA-HMP benefits would close effective June 1, 2017.
7. On May 23, 2017, Petitioner requested hearing disputing the closure of MA-HMP benefits.

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.

The Healthy Michigan Plan (HMP) provides health care coverage for individuals who:

- Are 19-64 years of age.
- Do not qualify for or are not enrolled in Medicare.
- Do not qualify for or are not enrolled in other Medicaid programs.
- Are not pregnant at the time of application.
- Meet Michigan residency requirements.
- Meet Medicaid citizenship requirements.
- Have income at or below 133% Federal Poverty Level (FPL).Cost Sharing. BEM 137

In this case, Petitioner has earned income from her job with [REDACTED] totaling \$ [REDACTED] for March 2017, \$ [REDACTED] for April 2017, \$ [REDACTED] for May 2017, and \$ [REDACTED] for June 2017. These amounts are above the income limit for MA-HMP of \$ [REDACTED] BEM 137, 42 CFR 435.119 Petitioner raised issues with regard to her income fluctuating due to irregular hours and the amount of tips she receives. Petitioner's income was determined utilizing Department policy on income and budgeting. BEM 501 Petitioner testified that her income has been reduced since the time period in question. Petitioner was advised to reapply if her income has been reduced.

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-HMP case due to excess income.

DECISION AND ORDER

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

AM/md



Aaron McClintic

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]

Petitioner

[REDACTED]