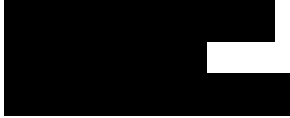




RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 25, 2017
MAHS Docket No.: 17-008359
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, a telephone hearing was held on August 30, 2017, from Lansing, Michigan. Petitioner was represented by her mother, [REDACTED]. The Department was represented by Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility on June 13, 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 under the Healthy Michigan Plan (HMP) category of Medical Assistance (MA). Petitioner's eligibility was due for redetermination by July 1, 2017.
2. On June 13, 2017, the Department used income information provided by Petitioner in her application to determine her eligibility, specifically that she was employed full time and made \$ [REDACTED] per hour. Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated she was not eligible for Medical Assistance (MA) under the Healthy Michigan Plan (HMP) category due to excess income.

3. On June 22, 2017, Petitioner's mother submitted a hearing request. In the hearing request Petitioner's mother asserted that Petitioner is disabled and does not make as much money as the Department used in the eligibility determination.

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.

Bridges Administration Manual (BAM) 130 Verifications and Collateral Contacts (4-1-2017) provides that verification is not required when the client is clearly ineligible. In this case the income Petitioner reported in her application exceeded the income limit for the Healthy Michigan Plan (HMP). In accordance with BAM 130, the Department did not seek any verification.

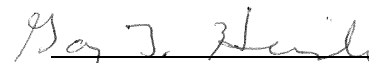
Subsequent to receipt of the hearing request, which included pay checks and indicated that Petitioner is disabled, the Department is reevaluating Petitioner's income eligibility for HMP and the potential that she is eligible for MA under the AD-Care category due to disability.

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 June 13, 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]

Authorized Hearing Rep.

[Redacted]

Petitioner

[Redacted]