



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 18, 2017
MAHS Docket No.: 17-008603
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 himself. The Department was represented by Family Independence Manager [REDACTED] [REDACTED]

ISSUE

Did the Department properly close Petitioner's Healthy Michigan Plan (HMP) beginning July 1, 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. On March 10, 2017, Petitioner submitted an online Assistance Application (DHS-1171) for Medical Assistance (MA). Petitioner was the only group member listed on the application. The application indicated that Petitioner had no income. Petitioner was approved for Medical Assistance (MA) coverage under the Healthy Michigan Plan (HMP).
2. On May 8, 2017, Petitioner began employment as a salaried employee at [REDACTED]. Petitioner began receiving a salary of \$ [REDACTED] every two weeks.
3. On June 16, 2017, Petitioner's Medical Assistance (MA) financial eligibility budget was updated to reflect his earned income. Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated he was not eligible for

Medical Assistance (MA) beginning July 1, 2017 due to his income exceeding the income limit for the program.

4. On June 23, 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.

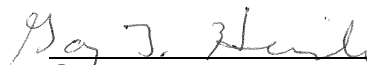
At the time of this eligibility determination, the information provided to the Department was that Petitioner was the only member of his household. Petitioner has requested a hearing based on his assertion that he is part of a household of 4 and has always filed his income taxes as married with his two children as dependents. Because this information was not provided to the Department, prior to the eligibility determination, it is not properly part of the eligibility determination. Petitioner can reapply for Medical Assistance (MA) including up to three months of retroactive coverage, and provide verification of his assertions as part of the new application.

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 Healthy Michigan Plan (HMP) beginning July 1, 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]

Petitioner

[REDACTED]