



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: October 24, 2017
MAHS Docket No.: 17-011232
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 September 27, 2017, from [REDACTED] Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], ES. [REDACTED], ES, also appeared for the Department. Department Exhibit 1, pp. 1-10.

ISSUE

Did the Department properly close Petitioner's Medical Assistance-Healthy Michigan Program (MA-HMP) benefit due to excess income?

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 July 24, 2017, a new hire notice was sent to Petitioner
3. On August 3, 2017, Petitioner submitted 3 check stubs. (Dept. Ex. 1, pp. 5-7)
4. Petitioner submitted 3 weekly check stubs showing her earned \$ [REDACTED] \$ [REDACTED] and \$ [REDACTED]

5. On August 4, 2017, a Health Care Coverage Determination Notice was sent to Petitioner informing him that MA benefits would close effective September 1, 2017. (Dept. Ex. 1, pp. 7-10)
6. On August 14, 2017, Petitioner requested hearing disputing the closure of MA-HMP.

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, Petitioner had countable monthly employment income of \$ [REDACTED] for the previous 30 days. The monthly income limit for MA-HMP is \$ [REDACTED]. Therefore, the Department's determination that Petitioner was over the monthly income limit was proper and correct. 42 CFR 435.119

Petitioner stated in his hearing request and asserted at hearing that he only works full time during the summer months while he is doing roofing work for schools. Petitioner argued that he will be under the annual income limits for HMP for 2017. Department policy dictates that employment income is budgeted on a monthly basis. BEM 500 Since Petitioner was over the monthly income limit in July 2017, the Department's closure was proper and correct. If Petitioner's income is reduced he can reapply.

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 benefit 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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]