



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 23, 2018
MAHS Docket No.: 17-013624
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. A hearing was scheduled for December 7, 2017, but Petitioner's case was dismissed when he failed to appear at the hearing. On January 29, 2018, the dismissal was vacated for good cause. After due notice, telephone hearing was held on February 22, 2018, from [REDACTED] Michigan. Petitioner was represented by his son-in-law [REDACTED] who was granted authority to represent Petitioner on the record by Petitioner. The Department was represented by [REDACTED] [REDACTED]

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medical Assistance (MA)?

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 Medical Assistance (MA) recipient when the Department initiated a routine review of his eligibility for ongoing benefits by sending him a Redetermination (DHS-1010) on August 4, 2017. Exhibit A, p 4.
2. On October 2, 2017, the Department received Petitioner's signed Redetermination (DHS-1010). Exhibit A, pp 4-11.
3. Petitioner is a Medicare eligible individual.
4. The Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED] Exhibit A, pp 19-21.

5. The Petitioner receives a monthly pension in the gross monthly amount of \$ [REDACTED] Exhibit A, p 22.
6. On October 3, 2017, the Department notified Petitioner that he is eligible for Medical Assistance (MA) with a \$ [REDACTED] monthly deductible effective November 1, 2017, and Medicare Savings Program (MSP) benefits effective November 1, 2017. Exhibit A, pp 12-17.
7. On October 13, 2017, the Department received Petitioner's request for a hearing protesting the level of Medical Assistance (MA) granted in this case. Exhibit A, pp 2-3.

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.

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (April 1, 2017), p 2.

Petitioner does not qualify for MA benefits under the Healthy Michigan Plan (HMP) because he qualifies for Medicare. Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (January 1, 2018), pp 1-4.

Petitioner does not qualify for MA benefits under the AD-CARE category, sometimes referred to as "full Medicaid" because his monthly income exceeds the limit to receive those benefits, which is \$ [REDACTED] Department of Health and Human Services Reference Table Manual (RFT) 242 (April 1, 2017), p 1.

A review of Petitioner's case reveals that the Department budgeted correct amount of income received by the Petitioner. Petitioner's "protected income level" is \$ [REDACTED] and this amount cannot be changed either by the Department or by this Administrative Law Judge. Department of Human Services Reference Table Manual (RFT) 240 (December 1, 2013), p 1. Department's determination that the Petitioner has a \$ [REDACTED] deductible

per month he must meet in order to qualify for MA for any medical expenses under the MA-G2S category above is therefore correct.

Petitioner's representative argued that he was not placed in the most beneficial category available to him after being inappropriately being assigned Long Term Care (LTC) benefits.

Long Term Care (LTC) is not a category of Medicaid but is a benefit available to recipients of any category of MA that meet the criteria for those benefits. LTC benefits may be granted to those that meet the criteria for those benefits after submitting an Application for Health Care Coverage (DHS-4574). Department of Health and Human Services Bridges Administrative Manual (BAM) 110 (April 1, 2016), p 4. Further, the receipt of LTC benefits does not cause a person to have a monthly deductible to receive MA benefits.

This Administrative Law Judge finds that Petitioner does not qualify for any category of MA more beneficial than the MA-G2S category based on his gross monthly income, and the Department properly determined the amount of his monthly deductible effective November 1, 2017.

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 eligibility for Medical Assistance (MA) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]