



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 15, 2018
MAHS Docket No.: 18-001938
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 April 17, 2018, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly determine the Petitioner's eligibility Medical Assistance?

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 January 29, 2018, the Petitioner applied for the Medicaid Federally Facilitated Marketplace where she listed a son, who is not in the home, and stated that she had no earned or unearned income. Department Exhibit A, pgs. 3-9.
2. On January 29, 2018, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that stated that the Petitioner's son is no longer listed on her case as he has his own opened under a different address. Her MA was denied due to excess income from Unemployment that is higher than the maximum allowed for 1 person. Department Exhibit B, pgs. 10-13.
3. On February 6, 2018, the Petitioner applied for the Medicaid Federally Facilitated Marketplace transfer where she listed a son, who is not in the home, and stated that she had unearned income. Department Exhibit D, pgs. 15-26.

4. On February 10, 2018, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that stated that she was denied due to excess income from Unemployment that is higher than the maximum allowed for 1 person. Department Exhibit E, pgs. 27-33.
5. On February 12, 2018, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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, the Petitioner applied for MA through the Marketplace. She is receiving unemployment benefits until April 2018. The Department determined that she had excess income for the MA based on her unemployment benefits for the year. The Department determined that her monthly income was \$ [REDACTED] per month, which made her ineligible for MA. For her to be eligible, she would have to have unearned income that was less than \$ [REDACTED]. A manual count of her unemployment benefits showed a monthly income of \$ [REDACTED] which was lower than the amount provided by the Department. However, it is still over the amount needed for her to qualify for MA. BEM 600, 503, and 211.

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 that the Petitioner had excess unearned income for MA.

DECISION AND ORDER

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

Carmen G. Fahie

CF/nr

Carmen G. Fahie
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) 763-0155; 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]