



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: June 27, 2018  
MAHS Docket No.: 18-003463  
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. After due notice, a telephone hearing was held on May 31, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services was represented by Lorraine Smith.

**ISSUE**

Did the Department of Health and Human Services (Department) properly close Petitioner's 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 under the Health Michigan Plan (HMP).
2. On February 6, 2018, the Department sent Petitioner a Wage Match Client Notice with a due date of March 8, 2018. Exhibit A, pp 1-2.
3. Petitioner received weekly paychecks in the gross weekly amounts of \$541.84 on February 23, 2018, and \$550.58 on March 2, 2018. Exhibit A, pp 5-6.
4. On March 19, 2018, the Department notified Petitioner that he was not eligible for Medical Assistance (MA) as of April 1, 2018. Exhibit A, pp 3-4.

5. On March 28, 2018, the Department notified Petitioner that he was not eligible for Medical Assistance (MA) as of May 1, 2018. Exhibit A, pp 8-10.
6. On March 30, 2018, the Department received Petitioner's request for a hearing protesting the closure of his Medical Assistance (MA).

### **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.

The income limit to participate in the Healthy Michigan Plan (HMP) is 133% of the federal poverty level. Department of Health and Human Services Reference Table Manual (RFT) 246 (April 1, 2014), p 1.

Petitioner was an ongoing MA recipient under the HMP category when he provided the Department with paycheck stubs as verification of his current earned income from employment. Petitioner received paychecks in the gross weekly amounts of \$541.84 on February 23, 2018, and \$550.58 on March 2, 2018.

The annual limit to received HMP benefits is 133% of the federal poverty limit, which is \$16,146.20 per year, or \$310.50 per week. Petitioner's current earned income exceeds 133% of the federal poverty level and he is not eligible for HMP benefits based on his income.

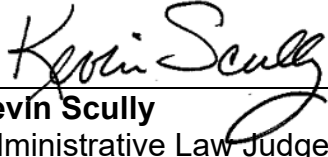
The hearing records supports a finding that Petitioner is not eligible for MA benefits under any other category because he is not a disabled adult, not pregnant, and not the caretaker of a minor child.

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 Medical Assistance (MA) benefits based on his current income.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/hb

  
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**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) 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**

Brenda Buhl  
1505 Suncrest Drive  
Lapeer, MI 48846

Lapeer County, DHHS

BSC2 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

**Petitioner**

