



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: July 16, 2018
MAHS Docket No.: 18-004535
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 July 5, 2018, from Lansing, Michigan. Petitioner was represented by her daughter and Authorized Representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by Valerie Foley, Hearing Facilitator. Department Exhibit 1, pp. 1-23 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility and deductible amount?

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 6, 2018, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was eligible for MA-G2S with a \$619.00 deductible for March of 2018, and \$642.00 for the April of 2018, and ongoing.
2. On April 27, 2018, Petitioner requested hearing disputing her deductible amount.
3. Petitioner receives RSDI income of \$1,185.00 and has Part B medical expense of \$134.00.

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 has unearned income of \$1,185.00 in the form of a social security benefits. After the \$20.00 unearned income exclusion, Petitioner has \$1,165.00 per month net unearned income. The protected income limit is \$375.00. Subtracting \$375.00 and \$134.00 for the insurance premium Petitioner pays from \$1,165.00 results with a deductible of \$656.00 per month. This is consistent with the determination made by the Department. Therefore, the Department's determination of G2S coverage with an \$656.00 deductible is proper and correct. BEM 541 Petitioner testified that she has significant household expenses and that her high deductible will put her in difficult financial circumstances. It was explained that the undersigned Administrative Law Judge can only review the Department action and determine if it comports with Department policy and there is no authority or jurisdiction to override Department policy based on the individual circumstances of Petitioner.

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 MA deductible amount.

DECISION AND ORDER

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

AM/



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) 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

Latasha McKinney-Newell
26355 Michigan Ave.
Inkster, MI 48141

Wayne County (District 19), DHHS

BAC4 via electronic mail

M. Best via electronic mail

EQADHS via electronic mail

Petitioner

[REDACTED]
MI

Authorized Hearing Rep.

[REDACTED]
MI