



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: July 24, 2018  
MAHS Docket No.: 18-004741  
Agency No.: 113553320  
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 July 5, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Christine Brown, Eligibility Specialist.

**ISSUE**

Did the 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 a recipient of MA-Healthy Michigan Program (HMP).
2. On April 1, 2018, Petitioner's employer submitted New Hire information about the Petitioner's earned employment income.
3. On April 16, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that his MA case was closed effective May 1, 2018, due to excess income. Department Exhibit 1, pgs. 3-6.

4. On April 27, 2018, the Department received a hearing request from 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, Petitioner had excess income for HMP. During the hearing, Petitioner thought that the money that he paid for his child support should be deducted from his gross income. However, child support payments are not a deductible expense for HMP per BEM 500, pgs. 4-5. Department Exhibit 1, pgs. 8-9.

Petitioner had a monthly gross income of [REDACTED]. Department Exhibit II, pg. a. His yearly gross income was [REDACTED] which exceeds the HMP limit of a household of one at \$16,146.20. Department Exhibit 1, pgs. 3-6. As a result, Petitioner has excess income for HMP.

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 Petitioner had excess income for HMP.

### **DECISION AND ORDER**

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

CF/dh



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**Carmen G. Fahie**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

