



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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

Date Mailed: September 17, 2018
MAHS Docket No.: 18-006356
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 August 23, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Shawna DesJardins.

ISSUE

Did the Department of Health and Human Services (Department) properly determine the level of Medical Assistance (MA) benefits Petitioner is eligible for?

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 is an ongoing Medical Assistance (MA) recipient.
2. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$1,040. Exhibit A, p 16.
3. On June 12, 2018, the Department notified Petitioner that she was eligible for Medical Assistance (MA) benefits but with a \$679 monthly deductible. Exhibit A, pp 24-28.
4. On June 20, 2018, the Department received Petitioner's request for a hearing. Exhibit A, p 2.

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 receive “full Medicaid” under the AD-CARE program is \$1,031.67 for a group of one. Department of Health and Human Services Reference Table Manual (RFT) 242 (April 1, 2018), p 1. This income limit is equal to 100% of the federal poverty level. Department of Health and Human Services Bridges Eligibility Manual (BEM) 163 (July 1, 2107), p 2.

Petitioner is an ongoing MA recipient and had received benefits under the AD-CARE category. From January through April of 2018, the Department excluded the cost of living allowance granted by the Social Security Administration as directed by BEM 503. This exclusion caused Petitioner to meet the income guidelines for “full Medicaid” benefits.

After April 30, 2018, Petitioner’s full social security benefits were then countable towards her eligibility for MA benefits and her countable income exceeded 100% of the federal poverty level.

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.

Since Petitioner no longer qualified for AD-CARE benefits, the Department considered her for other categories. The most beneficial category that Petitioner qualified for is the G2-S category.

A review of Petitioner’s case reveals that the Department budgeted correct amount of income received by Petitioner, including the cost of living allowance after April 20, 2018. Petitioner’s “protected income level” is \$679, 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. The

Department's determination that Petitioner has a \$679 deductible per month she must meet in order to qualify for MA for any medical expenses above is therefore correct.

Petitioner presented evidence showing that she has significant physical impairments that cause her to have significant financial obligations for her medical treatments.

Petitioner's needs are not in dispute here, but her eligibility for MA benefits is based on her financial circumstances and her eligibility for social security benefits. Therefore, her physical impairments and her medical expenses do not cause her to become eligible for "full Medicaid" benefits.

Petitioner argued that her monthly deductible is unfair based on the small increase to her monthly income. Petitioner argued that the financial eligibility criteria for MA eligibility need to be changed.

Petitioner's grievance centers on dissatisfaction with the Department's current policy. Petitioner's request is not within the scope of authority delegated to this Administrative Law Judge. Administrative Law Judges have no authority to overrule statutes, overrule promulgated regulations, or make exceptions to the department policy set out in the program manuals. *Michigan Mutual Liability Co. v Baker*, 295 Mich 237; 294 NW 168 (1940).

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 the most beneficial category of Medical Assistance (MA) that Petitioner is eligible for.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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

Lee Harris
413 Maple Street
Munising, MI 49862

Alger County, DHHS

BSC1 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

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