



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

██████████
██████████
██████████ MI ██████████

Date Mailed: September 20, 2018
MAHS Docket No.: 18-006465
Agency No.: ██████████
Petitioner: ██████████

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 August 9, 2018, from Lansing, Michigan. Petitioner was represented by her daughter and legal guardian, ██████████. The Department of Health and Human Services (Department) was represented by Brenda Drewnicki, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medical Assistance (MA) with a patient pay amount (PPA)?

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 with a PPA of \$1,269 based on Social Security (SS) benefits of ██████████. Petitioner's Exhibit 1, pgs. 1-2. Department Exhibit 1, pgs. 6a-9a.
2. On May 14, 2018, the Department received written verification that Petitioner's SS had been reduced to ██████████ for March of 2018, which would be received around April 3, 2018, and then around May 3, 2018, she would receive ██████████ per month. Department Exhibit 1, pgs. 10-12.

3. On June 22, 2018, Petitioner's daughter and legal guardian requested a hearing based on the decrease in SS benefits not reflected in her MA PPA.
4. On June 26, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she was eligible for MA with a PPA of \$1,135 from March 1, 2018, through April 30, 2018. Department Exhibit 1, pgs. 16-18.

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 was a recipient of MA with a PPA of [REDACTED] based on Social Security (SS) benefits of [REDACTED]. Petitioner's Exhibit 1, pgs. 1-2. On May 14, 2018, the Department received written verification that Petitioner's SS had been reduced to [REDACTED] for March of 2018 which would be received around April 3, 2018, then around May 3, 2018, she would receive [REDACTED] per month. Department Exhibit 1, pgs. 10-12. On June 22, 2018, Petitioner's daughter and legal guardian requested a hearing based on the decrease in SS benefits not reflected in her MA PPA. On June 26, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she was eligible for MA with a PPA of [REDACTED] from March 1, 2018, through April 30, 2018. Department Exhibit 1, pgs. 16-18.

During the hearing, the Hearing Facilitator read the Hearing Summary that stated that Petitioner's MA part B of \$134 is no longer being paid by the State. As a result, the Department has corrected the PPA amount for March of 2018 and April of 2018 with budgets submitted that reflect the change. Department Exhibit 1, pgs. 13-14. In addition, Petitioner received other unearned income of a Target pension of [REDACTED] and an Italy pension of [REDACTED] combined with her SS benefits of [REDACTED] for a total unearned income of [REDACTED]. Department Exhibit 1, pgs. 4a-5a. With a total unearned income of [REDACTED], Petitioner had deductions of \$134 health insurance premiums and \$60 patient allowance, for a PPA of [REDACTED]. Department Exhibit 1, pgs. 2a-3a. BEM 400 and 500.

DECISION AND ORDER

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 PPA amount for April 2018 forward.

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

CF/dh



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

Tolisha Bates
21885 Dunham Road
Clinton Twp., MI 48036

Macomb County, DHHS

BSC4 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

Authorized Hearing Rep.

████████████████████
████████████████████
██████ MI ██████

Petitioner

████████████████████
████████████████████
████████████████████ MI ██████