



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

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Date Mailed: November 5, 2018
MAHS Docket No.: 18-009913
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 1, 2018, from Lansing, Michigan. ██████ ██████ Petitioner, appeared and represented himself. Petitioner did not have any additional witnesses. Shana Hook, Hearing Facilitator, appeared and represented the Department. The Department had one witness, Chrishana Wilkins, Eligibility Specialist.

One exhibit was admitted into evidence during the hearing. An 11-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

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. On ██████, 2018, Petitioner applied for MA from the Department. In Petitioner's application, Petitioner asserted (1) that his household had two members, Petitioner and his spouse; (2) that Petitioner was born in 1968; (3) that nobody in his household had a disability; and (4) that his spouse had income from full-time employment at Systex.
2. The Department reviewed Petitioner's application, determined that Petitioner had a household size of two for purposes of MA eligibility, determined that nobody in

the household qualified as a senior or disabled individual, and determined that the household's modified adjusted gross income (MAGI) was \$[REDACTED] per month.

3. On August 6, 2018, the Department issued a Health Care Coverage Determination Notice which notified Petitioner that he was ineligible for health care coverage through the Department because his household income exceeded the limit for coverage under the Healthy Michigan Plan and he did not meet the criteria for coverage under any other plan.
4. On September 19, 2018, Petitioner filed a hearing request to dispute the Department's decision.

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.

Health care coverage for adults is available through various programs, including the Healthy Michigan Plan. In order for an individual to be eligible for health care coverage under the Healthy Michigan Plan, the individual must be age 19 to 64 and the individual's household income must not exceed 133% of the Federal Poverty Limit (FPL). BEM 137 (April 1, 2018), p. 1. The FPL for a household size of two in 2018 was \$16,460, so the maximum household income for a household size of two was \$21,891.80 to be eligible for health care coverage under the Healthy Michigan Plan.

Income eligibility is based on modified adjusted gross income (MAGI) for Healthy Michigan. BEM 137 (April 1, 2018), p. 1 and 7 CFR 435.603. MAGI is defined as adjusted gross income increased by (1) excluded foreign income, (2) tax exempt interest, and (3) the amount of social security benefits excluded from gross income. 26 USC 36B(d)(2)(B). Adjusted gross income is that which is commonly used for Federal income taxes, and it is defined as gross income minus deductions for business expenses, losses on the sale or exchange of property, retirement contributions, and others. 26 USC 62.

Here, the Department correctly determined that Petitioner's household income exceeded the income limit for health care coverage under the Healthy Michigan Plan.

The Department determined that Petitioner's household's MAGI was \$ [REDACTED] per month (or \$ [REDACTED] per year), which exceeded 133% of the FPL for a household size of two. Petitioner did not present any evidence to establish that the Department incorrectly determined his household's MAGI or household size. Thus, I must find the Department correctly found Petitioner ineligible for health care coverage under the Healthy Michigan Plan.

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 did act in accordance with its policies and the applicable law when it issued its August 6, 2018, Health Care Coverage Determination Notice which found Petitioner ineligible for health care coverage through the Department.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
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

Carisa Drake
190 East Michigan
Battle Creek, MI
49016

Calhoun County DHHS- via electronic mail

BSC3- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

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[REDACTED]
[REDACTED], MI
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