



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: January 11, 2019
MAHS Docket No.: 18-011455
Agency No.: [REDACTED]
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 December 13, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Jessica Kirchmeier, Hearing Coordinator.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medical Eligibility (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 under the Freedom to Work (FTW) program.
2. On [REDACTED], 2018, Petitioner applied for State Emergency Relief (SER), which resulted on all his benefit programs being reviewed where he reported that he was no longer working. Department Exhibit 1, pgs. 21-30.
3. On July 30, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that his MA FTW was closed because he was no longer working, and he qualified for Group 2 MA deductible of \$842 monthly effective September 1, 2018. Department Exhibit 1, pgs. 13-20.
4. On October 30, 2018, the Department received a hearing request from the 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 was a recipient of MA under the Freedom to Work (FTW) program. On [REDACTED] 2018, the Petitioner applied for State Emergency Relief (SER), which resulted in all his benefit programs being reviewed where he reported that he was no longer working. Department Exhibit 1, pgs. 21-30. On July 30, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that his MA FTW was closed because he was no longer working. He qualified for Group 2 MA deductible of \$842 monthly effective September 1, 2018. Department Exhibit 1, pgs. 13-20. BEM 174, 110, 125, 126, 135, 163, and 166.

During the hearing, the Hearing Coordinator stated that Petitioner aged out of the MA FTW program because he is now 65. MA FTW eligibility is only from 18 to 64 years of age. Even when he goes back to work, Petitioner will not be eligible for MA FTW. He is only eligible for Group 2 MA with a deductible. The Administrative Law Judge finds that the Department correctly determined that Petitioner was no longer eligible for MA FTW due to age and no longer being employed.

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 that the Petitioner was not eligible for the MA FTW program because he was no longer working, which made him ineligible for the benefit. However, he has aged out of the MA FTW program since he is now 65 years of age even if he goes back to work. Petitioner is only eligible for Group 2 MA with a deductible.

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

CF/hb



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

Jessica Kirchmeier
1050 Independence Blvd
Charlotte, MI 48813

Eaton County, DHHS

BSC2 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]