



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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Date Mailed: January 4, 2019
MAHS Docket No.: 18-010156
Agency No.: ██████████
Petitioner: ██████████

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, an in-person hearing was held on December 5, 2018, from Hastings, Michigan. Petitioner represented herself. The Department was represented by Jennifer Messing.

ISSUE

Did the Department of Health and Human Services (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 receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of ██████████. Exhibit A, p 7.
2. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of ██████████. Exhibit A, p 7.
3. On ██████████ ██████████ 2018, the Department notified Petitioner that she was eligible for full coverage Medical Assistance (MA) and her husband was eligible for Medical Assistance (MA) with a \$478 monthly deductible. Exhibit A, pp 3-5.
4. On September 25, 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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

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.

Petitioner and her children are ongoing MA recipients receiving full coverage MA benefits. Petitioner disputed that they are in the most beneficial category of MA available, but failed to establish that they have been denied any benefits that they are eligible for.

Petitioner's husband is disabled, receiving RSDI benefits based on disability, and is eligible for Medicare. Therefore, Petitioner's husband is not eligible for MA benefits under the Healthy Michigan Plan (HMP). Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (April 1, 2018), p 1.

Petitioner's husband is approved for MA benefits but has been placed in the G2C category with a \$478 monthly deductible. Petitioner and her husband receive a combined income in the gross monthly amount of [REDACTED]. This amount exceeds 100% of the federal poverty level for a group of two. Therefore, Petitioner's husband is not

eligible for full coverage MA benefits under the AD-CARE category. Department of Health and Human Services Bridges Eligibility Manual (BEM) 163 (July 1, 2017), p 1.

Petitioner disputed that her husband's eligibility for MA was determined as a group of two since there are minor children in the household not included in that benefit group.

However, for disability related categories of MA, the MA benefit group consists of the adult and his spouse if they are living together, except for MA recipients receiving long term care or enrolled in the Freedom To Work (FTW) program. Department of Health and Human Services Bridges Eligibility Manual (BEM) 211 (January 1, 2016), p 8.

It was not disputed that Petitioner is not receiving long term care. Petitioner is not eligible for FTW benefits because he is not employed. Department of Health and Human Services Bridges Eligibility Manual (BEM) 174 (January 1, 2017), p 1.

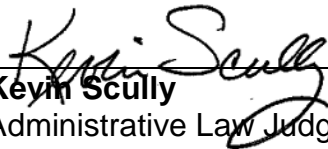
A review of Petitioner's case reveals that the Department budgeted the correct amount of countable income received within the household. Eligibility for Petitioner's husband is based on a "protected income level" of \$478, and this amount cannot be changed either by the Department or by this Administrative Law Judge. Department of Human Services Reference Table Manual (RFT) 240 (December 1, 2013), p 1. Department's determination that Petitioner's husband has a \$478 deductible per month she must meet in order to qualify for MA for any medical expenses above is therefore correct.

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) for each member of Petitioner's household.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Farah Hanley, Acting 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

Alison Gordon
430 Barfield Drive
Hastings, MI 49058

Barry County, DHHS

BSC3 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

Petitioner

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