



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: January 11, 2019
MAHS Docket No.: 18-011544
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 herself. The Department of Health and Human Services (Department) was represented by Lacy Miller, Hearing Coordinator.

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. Petitioner was eligible for full MA under PCR MA-LIF on January 1, 2017. Department Exhibit 1, pgs. 9-15.
2. On [REDACTED], 2018, Petitioner applied for State Emergency Relief (SER), which triggered a review of the MA, where RSDI was now countable for MAGI MA. Department Exhibit 1, pgs. 16-25.
3. On October 19, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective November 1, 2018, they were eligible for a Group 2 MA with a deductible of \$989 month. Department Exhibit 1, pgs. 26-32.

4. On October 26, 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 eligible for full MA under PCR MA-LIF on January 1, 2017. Department Exhibit 1, pgs. 9-15. On [REDACTED], 2018, Petitioner applied for State Emergency Relief (SER), which triggered a review of the MA, where RSDI was now countable for MAGI MA. Department Exhibit 1, pgs. 16-25. On October 19, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective November 1, 2018, they were eligible for a Group 2 MA with a deductible of \$989 month. Department Exhibit 1, pgs. 26-32. BEM 503

During the hearing, the Hearing Coordinator sent an updated budget that Petitioner's Group 2 MA deductible was \$973 effective January 2019. Department Exhibit 1, pg. a. Petitioner was understandably concerned about going from full MA with no deductible to a monthly deductible of \$973. However, Department policy in BEM 503 on page 29-30 is clear that RSDI income must now be counted as income. This Administrative Law Judge finds that the Department correctly determined Petitioner's eligibility for MA, resulting in excess income for full MA, but eligibility for Group 2 MA with a monthly deductible.

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's RSDI was required to be counted as income for MA, resulting in excess income for full MA, but eligibility for Group 2 MA with a monthly 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

Erin Bancroft
105 W. Tolles Drive
St. Johns, MI 48879

Clinton County, DHHS

BSC2 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

[REDACTED]
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[REDACTED], MI [REDACTED]