



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 21, 2019
MAHS Docket No.: 19-000520
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 March 13, 2019, from Lansing, Michigan. Petitioner personally appeared and testified. The Department of Health and Human Services (Department) was represented by Lacey Miller, Hearing Coordinator and Lead Worker.

ISSUE

Did the Department properly budget Petitioner's Medicaid (MA) deductible?

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 resides in Lansing, Michigan. Petitioner's DOB is ██████████.
2. At all relevant times prior to the issue here, Petitioner had been an SSI and SSP welfare recipient of the Department. Petitioner had full MA.
3. On October 1, 2018, Petitioner's SSI stopped, and Petitioner began receiving RSDI.
4. On December 6, 2018, the Department budgeted Petitioner's RSDI income of ██████████. The resulting budget includes a standard \$20.00 unearned income

deduction, and a protected income limit of [REDACTED]. The budget results in a deductible of [REDACTED]. Exhibit 44-45.

5. Petitioner's expenses exceed his income.
6. On January 14, 2019 Petitioner filed a hearing request to dispute the deductible amount.

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.

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

In this case, specific policy applicable to the case herein is found in BEM 137, 150, 166, 503, and 554. Federal regulations are found at 42 CFR 435.119.

Here, the Department submitted the MA budget along with household income charts. Budgeting Petitioner's newly started RSDI income results in an MA budget with a [REDACTED] deductible. Petitioner does not dispute the deductions and calculations used in the MA budget. Rather, Petitioner argues that his expenses exceed his income.

It is unrefuted that the MA budget is correct. It is also unrefuted that Petitioner's expenses exceed his income. However, the latter will not give Petitioner a right to prevail or have his deductible change. Unfortunately, the undersigned ALJ has no authority or power to grant any adjustment in Petitioner's budget unless such is permitted by federal or state law. As Petitioner has no other eligibility, the budget and corresponding deductible must be upheld as it was correct under the Department's policy and procedure, and not contrary to federal law.

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 budgeted Petitioner's RSDI income which resulted in a deductible.

DECISION AND ORDER

Accordingly, the Department's MA budget showing Petitioner eligible for an MA deductible was correct and thus, is

AFFIRMED.

JS/dh



Janice Spodarek
Administrative Law Judge
for Robert Gordon, 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

EQAD via electronic mail

D. Smith via electronic mail

Petitioner

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