



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: June 14, 2019  
MOAHR Docket No.: 19-004477  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 June 12, 2019, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented herself. Supervisor, Pamela Carswell, appeared on behalf of the Department of Health and Human Services (Department). Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 10-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 Medical Assistance (MA) eligibility?

**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 applied for MA from the Department.
2. Petitioner is employed full-time. Petitioner works 40 hours per week, and she receives \$[REDACTED] per hour.
3. Petitioner does not have any tax dependents.
4. The Department determined that Petitioner was not eligible for MA because her income exceeded the Department's limits.

5. On April 8, 2019, the Department issued a health care coverage determination notice to Petitioner to notify her that she was not eligible for MA effective February 1, 2019.
6. On April 30, 2019, Petitioner requested a hearing 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.

The Department properly determined that Petitioner was not eligible for MA effective February 1, 2019. In order for an individual to be eligible for health care coverage under the Healthy Michigan Plan, her modified adjusted gross income (MAGI) must be at or below 133% of the Federal Poverty Level (FPL). BEM 137 (January 1, 2019), p. 5 and RFT 246 (April 1, 2014), p.1. For a household size of one, the FPL is \$12,490.00 for 2019. 84 FR 1167 (February 1, 2019), p. 1167-1168. Thus, the MAGI limit for health care coverage for a household size of one is \$16,611.70 for the Healthy Michigan Plan. Petitioner's annualized MAGI was greater than \$16,611.70 because she received \$[REDACTED] per week (based on 40 hours at \$[REDACTED] per hour), which is equal to an annualized income of \$[REDACTED]. Since Petitioner's MAGI exceeded the Department's limit, Petitioner was ineligible for health care coverage through the Healthy Michigan Plan.

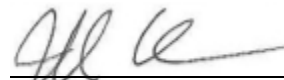
The Department properly determined that Petitioner was not eligible for MA under any other program too. Petitioner was not a minor, parent, pregnant, caretaker, blind, disabled, or aged person. There was no evidence presented to establish that Petitioner should have been eligible for MA under a program other than Healthy Michigan.

**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 April 8, 2019, Health Care Coverage Determination which found Petitioner not eligible for health care coverage effective February 1, 2019.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



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Jeffrey Kemm  
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Richard Latimore  
4733 Conner  
Detroit, MI  
48215

Wayne 57 County DHHS- via electronic  
mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
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[REDACTED]