



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 7, 2019
MOAHR Docket No.: 19-004579
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 5, 2019, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented herself. Eligibility Specialist, Robert Mapp, appeared for the Department of Health and Human Services (Department).

One exhibit was admitted into evidence during the hearing. A 14-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 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 is married, and Petitioner's household size is two.
2. Petitioner received MA from the Department through the Healthy Michigan Plan.
3. Petitioner was employed at Salvation Army as a cashier. Salvation Army paid Petitioner \$ [REDACTED] per hour, and Petitioner worked approximately 24 hours per week.
4. On March 4, 2019, the Department issued a redetermination to Petitioner to obtain information to review her eligibility.

5. On March 22, 2019, Petitioner returned the redetermination to the Department with the requested information. In the redetermination, Petitioner asserted that she had income from employment.
6. The Department reviewed Petitioner's case and determined that Petitioner had earned income of \$ [REDACTED] per month from employment at Salvation Army, and her spouse had unearned income of \$ [REDACTED] per month from social security.
7. The Department determined that Petitioner was ineligible for MA through the Healthy Michigan Plan because her household income exceeded the program limit.
8. On April 16, 2019, the Department issued a health care coverage determination notice which notified Petitioner that she was not eligible for MA effective May 1, 2019, because her household income exceeded the Department's limits.
9. On April 23, 2019, Petitioner filed a hearing request 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 May 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 two, the FPL is \$16,910.00 for 2019. 84 FR 1167 (February 1, 2019), p. 1167-1168. Thus, the MAGI limit for health care coverage for a household size of two is \$22,490.30 for the Healthy Michigan Plan. Petitioner's household annualized MAGI was greater than \$22,490.30 because she and her spouse received \$ [REDACTED] each month, which is equal to an annualized income of \$ [REDACTED]

The Department properly determined that Petitioner was not eligible for full-coverage 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 16, 2019, Health Care Coverage Determination which found Petitioner not eligible for health care coverage effective May 1, 2019.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/nr



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

Lori Duda
30755 Montpelier Drive
Madison Heights, MI
48071

Oakland 2 County DHHS- via electronic
mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

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