



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: December 5, 2019
MOAHR Docket No.: 19-010233
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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, a telephone hearing was held on November 7, 2019, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Daniel Davis.

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. On February 21, 2019, the Department received Petitioner's Redetermination (DHS-1010) form. Exhibit B.
2. Petitioner reported on her February 21, 2019, Redetermination (DHS-1010) form that her son is less than 19 years of age and she neither her nor her son plan on filing a federal income tax return. Exhibit B.
3. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$1,282. Exhibit B.
4. Petitioner's son receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$1,047. Exhibit B.

5. On August 26, 2019, the Department notified Petitioner that she was eligible for Medical Assistance (MA) with a \$602 monthly deductible as of October 1, 2019. Exhibit E.
6. On September 11, 2019, the Department notified Petitioner that her son was eligible for full coverage Medical Assistance (MA) as of October 1, 2019. Exhibit F.
7. On September 25, 2019, the Department notified Petitioner that she was eligible for the Medicare Savings Program (MSP) as of October 1, 2019. Exhibit H.
8. On September 13, 2019, the Department received Petitioner's request for a hearing protesting the level of Medical Assistance (MA) she is receiving. Exhibit A.

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.

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.

The income limit to participate in the Parents and Caretakers (PCR) category is 54% of the federal poverty level. Department of Health and Human Services Bridges Eligibility Manual (BEM) 211 (July 1, 2019), p 1.

The income limit to participate in the Healthy Michigan Plan (HMP) is 133% of the federal poverty level. Department of Health and Human Services Reference Table Manual (RFT) 246 (April 1, 2014), p 1.

The household for a non-tax filer who is not claimed as a tax dependent consists of the individual and the individual's children under the age of 19. Department of Health and Human Services Bridges Eligibility Manual (BEM) 211 (July 1, 2019), p 2.

Petitioner was an ongoing MA recipient when the Department initiated a review of her eligibility for ongoing benefits with the receipt of her Redetermination (DHS-1010) form.

Petitioner did not dispute that she receives RSDI in the gross monthly amount of \$1,282 and her son received RSDI in the gross monthly amount of \$1,047.

As a non-fax filer, Petitioner's benefit household for MA benefits consists of herself and her son. The household's combined gross monthly income of \$2,329 is 165% of the federal poverty level. Therefore, Petitioner is not eligible for MA benefits under the PCR or HMP category due to her household income. Petitioner's son remains eligible for the MA-U19 program, which has an income limit of 195% of the federal poverty level. BEM 211, p 1.

Petitioner is also not eligible for "full coverage" MA benefits under the AD-CARE category due to her income because that category has an income limit of 100% of the federal poverty level. Department of Health and Human Services Bridges Eligibility Manual (BEM) 163 (July 1, 2017), p 1.


Since Petitioner is not eligible for full coverage MA, the Department place her in a category requiring a monthly deductible, assuming that she can provide the Department with verification that she meets the asset limits for those benefits.

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 level of Medical Assistance (MA) benefits that Petitioner and her son are eligible for as of October 1, 2019.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
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

Cindy Tomczak
401 Eighth Street
PO Box 1407
Benton Harbor, MI 49023

Berrien County (District 22), DHHS

BSC3 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

Petitioner

MI