



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: July 29, 2020  
MOAHR Docket No.: 20-001923  
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 June 30, 2020, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Cornelius Bellamy, Assistance Payments Worker.

### **ISSUE**

Did the Department properly determine the 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 applied for MA benefits.
2. On February 16, 2020, the Department Caseworker sent Petitioner a Health Care Determination Notice, DHS-1606, indicating he was not eligible for MA from October 2019 for failure to provide required verifications. Department Exhibit 1, pgs. 6-8.
3. The Department denied Petitioner's MA application in error.
4. On March 4, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.

5. On March 11, 2020, the Department Specialist re-registered the application and processed his MA benefits where he was approved for MA retroactive to October 2019 with a spend down of \$4,330.00 per month deductible. Department Exhibit 1, pg. 14.

### **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 applied for MA benefits. On February 16, 2020, the Department Caseworker sent Petitioner a Health Care Determination Notice, DHS-1606, indicating he was not eligible for MA from October 2019 for failure to provide required verifications. Department Exhibit 1, pgs. 6-8. The Department denied Petitioner's MA application in error.

On March 4, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. On March 11, 2020, the Department Specialist re-registered the application and processed his MA benefits where he was approved for MA retroactive to October 2019 with a spend down of \$4,330.00 per month deductible. Department Exhibit 1, pg. 14. BEM 503.

Petitioner receives \$4,921 in unearned benefits. After deductions of a \$20 unearned income general exclusion, a protected income of \$408.00, and insurance premiums of \$134.00, \$29.00 of COLA, Petitioner had a deductible of \$4,330.00 that he must meet before being eligible for MA. Department Exhibit 1, pg. 14. The Department has met their burden that Petitioner has excess income for MA Ad Care resulting in eligibility for a MA Group 2 deductible case where Petitioner has to meet a deductible of \$4,330.00 before being eligible for MA.

**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 Petitioner's eligibility for MA retroactive to October 2019 with a spend down of \$4,330.00 that he has to meet before being eligible for MA.

Accordingly, the Department's decision is **AFFIRMED**.



CF/hb

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**Carmen G. Fahie**  
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**

Wayne County (District 57) via electronic mail

BSC4 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED], MI [REDACTED]