



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: September 4, 2020
MOAHR Docket No.: 20-004602
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 August 6, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by April Nemec, Hearing Facilitator.

ISSUE

Did the Department properly determine that Petitioner had excess income 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 was a recipient of MA with a redetermination due.
2. On March 4, 2020, the Department Caseworker received the completed Redetermination Application, DHS-1010 from the Petitioner. Department Exhibit 1, pgs. 9-22.
3. On March 23, 2020, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1605, that stated that she had excess income for regular MA, but was eligible for MA with a medical deductible of \$552 that she had to meet before she was eligible for MA effective May 1, 2020. Department Exhibit 1, pgs. 23-32.

4. On April 21, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.
5. On April 27, 2020, the Department Caseworker discovered an error on the Petitioner's MA budget where she was given a deduction for MA part B, but she wasn't paying it because she was already approved for the Medicare Cost Share (MCS) so her new medical deductible amount increased to \$686 per month. Department Exhibit 1, pgs. 33-38.

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 was a recipient of MA with a redetermination due. On March 4, 2020, the Department Caseworker received the completed Redetermination Application, DHS-1010 from the Petitioner. Department Exhibit 1, pgs. 9-22. On March 23, 2020, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1605, that stated that she had access income for regular MA, but was eligible for MA with a medical deductible of \$552 that she had to meet before she was eligible for MA effective May 1, 2020. Department Exhibit 1, pgs. 23-32. On April 21, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. On April 27, 2020, the Department Caseworker discovered an error on Petitioner's MA budget where she was given a deduction for MA part B, but she wasn't paying it because she was already approved for Medicare Cost Share (MCS) so her new medical deductible amount increased to \$686 per month. Department Exhibit 1, pgs. 33-38. BAM 105,130, 210, 220,600, 800, and 801. BEM 165, 166, 400, 500, 503, 530, 541, and 544.

Petitioner receives \$ [REDACTED] in Social Security RSDI benefits, which exceeded the MA Ad Care limit of \$1,084. As a result, she had excess income for MA Ad Care, but she did qualify for MA with a deduction. After deductions of a \$20 unearned income general exclusion and a protected income of \$ [REDACTED] Petitioner had a deductible of \$686 that she must meet before being eligible for MA. Department Exhibit 1, pg. 37. 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 \$686 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 that Petitioner had excess income for MA resulting in medical deductible of \$686.

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

CF/hb



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

Genesse County (Union) via electronic mail

BSC2 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

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