



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: December 21, 2017
MAHS Docket No.: 17-012487
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. On November 7, 2017, the hearing was adjourned. After due notice, telephone hearing was held on November 28, 2017, from Lansing, Michigan. Petitioner was represented by [REDACTED]. Petitioner, [REDACTED], [REDACTED], and [REDACTED] testified on behalf of Petitioner. The Department was represented by Jennifer Spell and Kari Gingrich.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medical Assistance (MA) benefits?

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 July 31, 2017, the Department received Petitioner's application for Medical Assistance (MA).
2. Petitioner receives Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$1,298 based on disability.
3. On September 7, 2017, the Department notified Petitioner that she was approved for Medical Assistance (MA) benefits effective September 1, 2017, with a \$844 monthly deductible, and that she was approved for the Medicare Savings Program (MSP) effective July 1, 2017. Exhibit A, pp 8-14.

4. On September 18, 2017, the Department received Petitioner's request for a hearing. Exhibit A, pp 3-4.

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.

A review of Petitioner's case reveals that the Department budgeted correct amount of income received by the Petitioner, which was not disputed during the hearing. Petitioner disputed that the Department her in the most beneficial category of MA.

Petitioner's monthly income exceeds the \$1,025 limit to receive "full" Medicaid. Department of Health and Human Services Reference Table Manual (RFT) 242 (April 1, 2017), p 1. Petitioner's "protected income level" cannot be changed either by the Department or by this Administrative Law Judge. Department of Human Services Reference Table Manual (RFT) 240 (December 1, 2013), p 1. Department's determination that the Petitioner has a \$844 deductible per month she must meet in order to qualify for MA for any medical expenses above is correct.

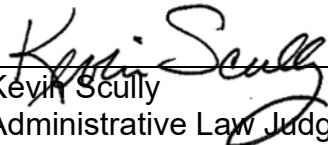
Petitioner is not eligible for MA as a Disabled Adult Child (DAC) because she is not receiving Supplemental Security Income (SSI) or Retirement, Survivors, and Disability Insurance (RSDI) benefits and classified by the Social Security Administration as a Disabled Adult Child.

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 and placed her in the most beneficial category.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
for Nick Lyon, 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 Administrative Hearing System (MAHS).

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

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

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

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

DHHS

Christina Chamberlain
827 S Huron St.
Cheboygan, MI
49721

Cheboygan County DHHS- via electronic
mail

BSC1- via electronic mail

M. Best- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]