



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: August 7, 2018
MAHS Docket No.: 18-006041
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's June 5, 2018, 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 August 2, 2018, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented himself. Shanna Ward, Eligibility Specialist, appeared on behalf of the Department.

One exhibit was admitted into evidence during the hearing. A 21-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly terminate Petitioner's health care coverage effective July 1, 2018?

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 medical assistance from the Department. The Department found Petitioner eligible for health care coverage under the Healthy Michigan Plan based on his income.
2. On May 17, 2018, the Department sent a New Hire Client Notice to Petitioner to obtain information to determine his eligibility. Exhibit A, p. 5-6.
3. Petitioner obtained the information requested and returned it to the Department as requested. Petitioner reported that he worked 40 hours per week and received \$15.00 per hour. Exhibit A, p. 5-6.

4. On May 30, 2018, the Department issued a Health Care Coverage Determination Notice to Petitioner. The Determination notified Petitioner that the Department had found him ineligible for health care coverage effective July 1, 2018, based on his income. Exhibit A, p. 16-19.
5. On [REDACTED], Petitioner requested a hearing to dispute the Department's Determination. Exhibit A, p. 2.
6. On June 19, 2018, Petitioner met with the Department for a case conference. Petitioner advised the Department that he has health issues, and the Department informed Petitioner that he may be eligible for health care coverage for a disabled adult.
7. On June 21, 2018, the Department sent a Medical Determination Verification Checklist to Petitioner to obtain information to determine his eligibility. The Department instructed Petitioner to provide his verification by July 2, 2018. Exhibit A, p. 20-21.
8. Petitioner returned his verification documents to the Department as requested, and Petitioner is waiting for a determination from the Department on whether he is eligible for health care coverage for a disabled adult.

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.

Here, the Department sent a May 30, 2018, Determination to Petitioner which found him ineligible for health care coverage as of July 1, 2018. The Department found Petitioner ineligible for health care coverage under the Healthy Michigan Plan because the Department found that his income exceeded the established limit for his group size. In order for an individual to be eligible for health care coverage under the Healthy Michigan Plan, his modified adjusted gross income (MAGI) must be at or below 133% of the Federal Poverty Level (FPL). BEM 137 (April 1, 2018), p. 5 and RFT 246 (April 1, 2014), p.1. For a household size of one, the FPL is \$12,140.00 for 2018. 89 FR 2642 (January 18, 2018), p. 2642-2644. Thus, the MAGI limit for health care coverage for a

household size of one is \$16,146.20 for the Healthy Michigan Plan. Petitioner's annualized MAGI was greater than \$16,146.20 because he worked 40 hours per week and earned \$15 per hour. Thus, the Department correctly determined that Petitioner was ineligible for health care coverage under the Healthy Michigan Plan.

The Department's May 30, 2018, Determination also found Petitioner ineligible for health care coverage for a disabled adult. The Determination stated, "you are not 65 (aged), blind, or disabled." Petitioner subsequently asserted at a conference with the Department that he is disabled, and the Department has yet to actually determine whether he is in fact disabled. The Department is in the process of making a determination on whether Petitioner is disabled. Although Petitioner appears to be engaged in substantial gainful activity through his employment, the Department will consider whether he is disabled and eligible for health care coverage as a disabled individual.

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 May 30, 2018, Health Care Coverage Determination which terminated Petitioner's health care coverage effective July 1, 2018.

IT IS ORDERED the Department's May 30, 2018, Determination is AFFIRMED.

JK/nr



Jeffrey Kemm
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) 763-0155; 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

Amber Gibson
5303 South Cedar
PO BOX 30088
Lansing, MI
48911

Ingham County DHHS- via electronic mail

BSC2- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

 MI