



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: April 8, 2019  
MAHS Docket No.: 19-000613  
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, telephone hearing was held on March 13, 2019, from Lansing, Michigan. Petitioner represented himself and his wife [REDACTED] testified on his behalf. The Department was represented by Holly Boyan and Richard Merrill.

**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. Petitioner's wife was an ongoing Medical Assistance (MA) recipient under the Health Michigan Program (HMP) and she had reapplied for benefits after failing to return a Redetermination (DHS-1010) form in November of 2018.
2. Petitioner receives monthly pension income in the gross monthly amount of \$665. Exhibit A, p 12.
3. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$2,082.50. Exhibit A, pp 13-15.
4. On January 4, 2019, the Department notified Petitioner that he and his wife were eligible for Medical Assistance (MA) but with a \$1,520 monthly deductible. Exhibit A, pp 4-11.

5. On January 15, 2019, the Department received Petitioner's request for a hearing protesting the closure of her Medical Assistance (MA) under the Health Michigan Plan (HMP). Exhibit A, p 2.

### **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.

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.

Petitioner's wife was an ongoing MA recipient receiving HMP benefits who reapplied for benefits when they were not renewed in November of 2018. Effective January 1, 2019, the RSDI benefits Petitioner's husband receives became fully countable towards his wife's eligibility for MA benefits. See Department of Health and Human Services Bridges Eligibility Manual (BEM) 503 (January 1, 2019), p 29. As a group of two, Petitioner and his wife receive a gross monthly income of \$2,747, which is 195% of the federal poverty level. Therefore, Petitioner's wife is no longer eligible for full Medicaid under the Health Michigan Plan (HMP) based on income. Petitioner is not eligible for HMP benefits based on income after January 1, 2019, and was not eligible before that date due to his eligibility for Medicare.

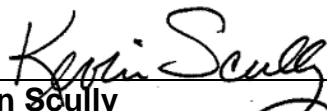
A review of Petitioner's case reveals that the Department budgeted the correct amount of income received by the Petitioner, which is the total of pension and social security benefits. Petitioner's "protected income level" is \$541, and this amount cannot be changed either by the Department or by this Administrative Law Judge. Department of Human Services Reference Table Manual (RFT) 240 (December 1, 2013), p 1. Department's determination that the Petitioner's wife has a \$1,520 deductible per month she must meet in order to qualify for MA for any medical expenses above is therefore correct.

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 eligibility for Medical Assistance (MA) benefits for Petitioner's wife effective January 1, 2019.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/dh

  
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**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 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**

Pam Farnsworth  
903 Telegraph  
Monroe, MI 48161

Monroe County, DHHS

BSC4 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

**Authorized Hearing Rep.**

[REDACTED]  
[REDACTED] MI [REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED], MI [REDACTED]