



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
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[REDACTED]

Date Mailed: April 25, 2019
MOAHR Docket No.: 19-001610
Agency No.: 100778901
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 April 1, 2019, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Marlon Dorsey, Family Independence Manager and Marianna Martinez, Eligibility Specialist.

ISSUE

Did the Department properly determine that Petitioner was eligible for Medical Assistance (MA) benefits subject to a deductible in the amount of \$724.00 per month?

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 is an ongoing recipient of MA benefits.
2. Petitioner receives unearned income in the amount of \$1,135.00 per month.
3. Petitioner does not have any additional income.
4. On November 21, 2018, the Department sent Petitioner a Health Care Coverage Determination Notice which notified Petitioner that she was eligible for MA benefits subject to a deductible in the amount of \$724.00 per month.
5. On February 13, 2019, Petitioner filed a Request for Hearing disputing the Department's actions.

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 has RSDI income in the amount of \$1,135.00. The Department submitted a budget in support of its determination that Petitioner was eligible for MA benefits subject to a monthly deductible in the amount of \$724.00. The Department applied the \$20.00 unearned income disregard to Petitioner's income resulting in a net unearned income of \$1115.00. See BEM 541 (January 2017), p. 3. Petitioner did not qualify for any additional deductions, as such, her countable income remained \$1,115.00.

Clients are eligible for Group 2 MA coverage when their net income, less any allowable needs deductions, exceeds the applicable Group 2 MA protected income levels (PIL), which is based on the client's shelter area and fiscal group size. In such cases, the client is eligible for Group 2 MA coverage under the deductible program with the deductible equal to the amount that the client's monthly income exceeds the PIL.

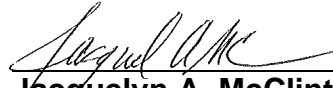
The monthly PIL for an MA fiscal group size of one living in Macomb County is \$391.00 per month. RFT 240 (December 2013), p. 1. Thus, if Petitioner's net income is in excess of \$391.00, she may become eligible for MA assistance subject to a deductible program. As discussed above, Petitioner's countable income totaled \$1,115.00. The evidence at the hearing established that Petitioner was not eligible for any further deductions. Because Petitioner's net income of \$1,115.00 exceeded the applicable \$391.00 PIL by \$724.00, the Department properly concluded that Petitioner was eligible for MA coverage subject to a monthly \$724.00 deductible effective January 1, 2019.

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 was eligible for MA subject to a \$724.00 monthly deductible effective January 1, 2019.

DECISION AND ORDER

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

JAM/tlf



Jacquelyn A. McClinton
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

Via Email:

MDHHS-Kent-Hearings
BSC3 Hearing Decisions
EQAD
D. Smith
MOAHR

Petitioner – Via First-Class Mail:

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