



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: February 3, 2020
MOAHR Docket No.: 19-013071
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's 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 January 29, 2020, from Lansing, Michigan. Petitioner, [REDACTED], appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Julie McLaughlin, Hearing Facilitator, Charles Boxer, Assistance Payments Supervisor, and Jennifer Tripp, Medicaid Liaison, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 25-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine that the best Medical Assistance (MA) coverage available for Petitioner was MA with a monthly deductible of \$1,532.00?

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 disabled.
2. Petitioner resides with her spouse and three dependent children.
3. Petitioner's household receives income of [REDACTED] per year from Petitioner's spouse's self-employment, [REDACTED] per month from RSDI for each of her three children, and [REDACTED] per month from RSDI for Petitioner.
4. On [REDACTED] 2019, Petitioner applied for MA from the Department.

5. The Department reviewed Petitioner's application and determined that the best MA coverage available for Petitioner was MA with a monthly deductible of \$1,532.00.
6. On December 4, 2019, Petitioner requested a hearing to dispute the Department's decision.

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Health care coverage for adults is available through various programs, including the Healthy Michigan Plan. In order for an individual to be eligible for health care coverage under the Healthy Michigan Plan, the individual must be age 19 to 64 and the individual's household income must not exceed 133% of the Federal Poverty Limit (FPL). BEM 137 (January 1, 2019), p. 1. In 2019, the income limit for a household of five was \$3,343.84 per month. Petitioner's monthly household income exceeded the limit, so Petitioner was ineligible for coverage under the Healthy Michigan Plan.

Health care coverage for adults is also available through AD-Care for aged or disabled adults. However, in order to be eligible for AD-Care, household income must be no more than 100% of the FPL. BEM 163 (July 1, 2017), p. 2. As stated in the prior paragraph, Petitioner's monthly household income exceeded 100% of the FPL, so Petitioner was ineligible for coverage through AD-Care.

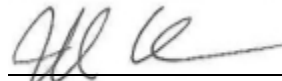
Since Petitioner was ineligible for full-coverage health care coverage through the Healthy Michigan Plan and AD-Care, the Department properly determined that the best available coverage for Petitioner was MA with a monthly deductible. Petitioner did not present any evidence to establish that the Department did not properly calculate her monthly deductible. Thus, I must find that the Department properly determined Petitioner's monthly deductible.

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 determined that the best Medical Assistance (MA) coverage available for Petitioner was MA with a monthly deductible of \$1,532.00.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/ml



Jeffrey Kemm
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

Jackie Stempel
2700 Baker Street
P.O. Box 4290
Muskegon Heights, MI 49444

Muskegon County DHHS – Via Electronic
Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

Petitioner

[REDACTED] – Via First Class Mail
[REDACTED], MI [REDACTED]