



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: April 28, 2021
MOAHR Docket No.: 21-000119
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 March 4, 2021. The Petitioner was represented by [REDACTED] Sister and Authorized Hearing Representative (AHR). [REDACTED] the Petitioner, was present. The Department of Health and Human Services (Department) was represented by Julie McLaughlin, Family Independence Manager (FIM) and Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-23.

ISSUE

Did the 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. On [REDACTED] 2020, Petitioner applied for MA. It was reported that Petitioner had no income. (Exhibit A, pp. 8-12)
2. An automatic update from Social Security Administration (SSA) verified Petitioner's income from RSDI benefits. (Exhibit A, pp. 1, 13-14, and 16-17)

3. The Department determined that Petitioner was not eligible for Healthy Michigan Plan (MA-HMP) but was eligible for Medicaid with a deductible (MA-G2S). (Exhibit A, pp. 1, 15, and 18)
4. On January 7, 2021, a Health Care Coverage Determination Notice was issued to Petitioner approving Medicaid with a monthly deductible (MA-G2S). (Exhibit A, pp. 18-21)
5. On January 11, 2021, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-5)

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.

An individual that is eligible for or enrolled in Medicare is not eligible for MA-HMP. 42 CFR 435.119.

When determining eligibility for MA, the Department counts the gross benefit amount of Retirement, Survivors, and Disability Insurance (RSDI) as unearned income. BEM 503, p. 29.

In this case, Petitioner applied for MA on [REDACTED] 2020. It was reported that Petitioner had no income. (Exhibit A, pp. 8-12) However, it was uncontested that Petitioner receives benefits from SSA.

Petitioner is eligible for or enrolled in Medicare. Therefore, Petitioner is not eligible for MA-HMP.

The Department budgeted income of [REDACTED] for [REDACTED] 2020 and [REDACTED] for [REDACTED] 2021. (Exhibit A, p. 13) Pursuant to BEM 503, the Department is to count the gross benefit amount as unearned income when determining eligibility for MA. Petitioner's Sister testified that a statement from SSA said his regular monthly benefit amount was [REDACTED] from [REDACTED] 2019 through [REDACTED] 2020 and would be [REDACTED] effective [REDACTED] 2020. (Sister Testimony)

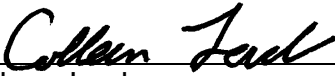
Petitioner's sister described Petitioner's need for MA coverage for his medications. Recently Petitioner was hospitalized for congestive heart failure when they were unable to obtain all of his medications. (Sister Testimony) However, this Administrative Law judge is limited to reviewing the Department's determination under the existing policy and cannot change or make exceptions to the Department policy. The Department properly considered Petitioner's income from RSDI benefits when determining his eligibility for MA pursuant to the BEM 503 policy.

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 for MA.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge
for Elizabeth Hertel, 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
Muskegon County DHHS – via electronic mail

BSC3 – via electronic mail

C. George – via electronic mail

EQAD – via electronic mail

Authorized Hearing Rep.

[REDACTED] – via first class mail

[REDACTED] MI [REDACTED]

Petitioner

[REDACTED] – via first class mail

[REDACTED] MI [REDACTED]