



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: July 7, 2021
MOAHR Docket No.: 21-000996
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 25, 2021. The Petitioner was represented by [REDACTED] Petitioner's husband. The Department of Health and Human Services (Department) was represented by Michelle Jauss, Eligibility Specialist (ES) and Susan Hernandez, Assistance Payments Supervisor (APS).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-68.

ISSUE

Did the Department properly deny Petitioner's application 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 submitted an assistance application requesting MA for her child A.S. (Exhibit A, pp. 4-9)
2. On November 16, 2020, a Health Care Coverage Supplemental Questionnaire was issued to Petitioner with a due date of November 30, 2020. (Exhibit A, pp. 10-13)
3. On December 3, 2020, bank statements, paycheck stubs, and the Health Care Coverage Supplemental Questionnaire were returned. (Exhibit A, pp. 10-23)

4. On December 9, 2020, a Health Care Coverage Determination Notice was issued stating Petitioner's application for MA for A.S. was denied because the value of countable assets is higher than allowed for this program. (Exhibit A, pp. 24-26)
5. On February 22, 2021, a hearing request was filed by Petitioner's husband contesting the Department's determination. (Exhibit A, pp. 27-33)

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 Medicaid program comprise several sub-programs or categories. In general, the terms Group 1 and Group 2 relate to financial eligibility factors. BEM 105, January 1, 2020, p. 1.

Asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. BEM 400, April 1, 2018, p. 7. For Group 2 Under 21 (G2U) MA the asset limit is \$3,000.00. BEM 400. p. 7.

For SSI-related MA, a child is a fiscal and asset group of one. BEM 211, July 1, 2019, p. 7. When determining a child's eligibility the Department utilizes deeming and counts a portion of the parent's assets as the child's assets. For an SSI-related MA group of one, the asset limit is \$2,000.00. BEM 400. pp. 8-9.

There are also Modified Adjusted Gross Income (MAGI) related categories, such as infants and children under age 19 Low-Income Families (LIF), Other Healthy Kids (OHK), and MICHild. BEM 105, p. 3.

MICHild is a MAGI-related Medicaid Expansion program for children who are under 19 years of age and who are not enrolled in comprehensive health insurance. Income eligibility for a child age one to age 19 is 161 percent to 212 percent of the federal poverty limit (FPL). BEM 130, July 1, 2020, p. 1. As of April 1, 2020, the monthly income limit for a group size of four was \$4,628.67. (Exhibit A, p. 37)

For the other MAGI-related MA categories for an individual over age 1 but under age 19, the monthly income limit is even less. For example, the monthly income limit for OHK is \$3,493.33. (Exhibit A, p. 37)

In this case, the Department determined that A.S. was not eligible for MA based on income that exceeded the applicable limits for the MAGI related MA categories and assets that exceeded the applicable limits for G2U and SSI-related MA categories. (ES Testimony) Petitioner's husband did not dispute the income and asset calculations the Department made. (Husband Testimony)


Rather, Petitioner's husband explained that they recently moved to Michigan from Ohio, and they are seeking a program for secondary insurance for A.S. based on his known diagnoses of ADHD with oppositional defiance disorder. MI Child was specified on the hearing request. (Exhibit A, pp. 28 and 32-33; Husband Testimony) However, the BEM 130 policy is clear that MICHild is a program for children who are under 19 years of age and who are not enrolled in comprehensive health insurance. Further, there is no qualifying medical diagnosis eligibility criteria for MICHild.

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 denied Petitioner's [REDACTED], 2020, application for MA.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge

