



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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██████████, MI ██████████

Date Mailed: October 24, 2022  
MOAHR Docket No.: 22-004147  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**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, a telephone hearing was held on October 19, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Rolando Gomez.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Medical Assistance (MA) benefits?

**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 ██████ ██████ 2022, the Department received Petitioner's application for Medical Assistance (MA) as a household of two. Exhibit A, p 6.
2. Petitioner reported on her ██████ ██████ 2022, application form that her husband received Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$████████ and that she intends to file an income tax return jointly with her spouse. Exhibit A, p 10.
3. Petitioner claims to be disabled but does not receive disability benefits.
4. Petitioner's spouse has a retirement account that had an available balance of \$████████ as of June 30, 2022. Exhibit A, p 64.
5. On September 7, 2022, the Department notified Petitioner that she is not eligible for Medical Assistance (MA). Exhibit A, p 65.

- Petitioner filed a hearing request with the Michigan Office of Administrative Hearings and Rules (MOAHR), and it was received by the Department on August 15, 2022. Exhibit A, p 3.

### **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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

On May 16, 2022, the Department received Petitioner's application for MA benefits as a household of two including herself and her spouse. Petitioner claims to be disabled but does not receive any disability benefits.

The Healthy Michigan Plan (HMP) provides health care coverage for individuals who are age 19-64 and do not qualify for Medicare or another category of Medicaid. Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (June 1, 2020), p 1.

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.

The federal poverty level for a household of two in 2022 is \$1,525 per month, and the income Petitioner reported on her application for MA benefits exceeds \$133% of that income. Therefore, Petitioner is not eligible for MA benefits under the Healthy Michigan Program.

Petitioner claims to be disabled, and although she does not receive any disability benefits, she is potentially eligible for MA benefits as a disabled person. Although the Disability Determination Service (DDS) did not make a finding of whether Petitioner is disabled, as a household of two, Petitioner is not eligible for any MA benefits as a disabled person if her countable assets exceed \$3,000. Department of Health and Human Services Bridges Eligibility Manual (BEM) 400 (October 1, 2022), p 9.

Petitioner argued that she should be eligible for MA benefits with a monthly deductible, sometimes called a "spend down."

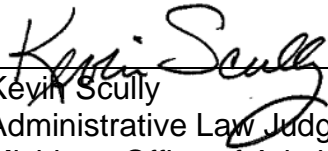
Recipients of Medicaid with incomes that would otherwise make them ineligible for benefits can become eligible with a monthly deductible. Petitioner is not eligible for MA benefits under that category because she remains ineligible due to her available cash assets.

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] [REDACTED] 2022, application for Medical Assistance (MA).

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
Administrative Law Judge  
Michigan Office of Administrative Hearings and  
Rules (MOAHR)

**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-Electronic Mail :**

**DHHS**  
Rolando Gomez  
Tuscola County DHS  
1365 Cleaver Road  
Caro, MI 48723  
**MDHHS-Tuscola-  
Hearings@michigan.gov**

**Interested Parties**  
Tuscola County DHHS  
BSC2  
D. Smith  
EQAD  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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