



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: July 7, 2023  
MOAHR Docket No.: 23-002811  
Agency No.: ██████████  
Petitioner: █████ ██████████ █████

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 June 21, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Amy Shields, AP Worker. Department Exhibit 1, pp. 1- 39 was received and admitted.

**ISSUE**

Did the Department properly deny Petitioner's Medical Assistance (MA) application due to excess income?

**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 █████ █████ 2023, Petitioner applied for MA.
2. On May 4, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA application was denied due to excess income.
3. On May 11, 2023, Petitioner requested hearing disputing the denial of MA.
4. Petitioner submitted a pay stub showing that he earned \$████ for the bi-weekly check he received on April 14, 2023. That check was for 75 hours at \$████ per hour. Petitioner stated in his interview that this was a typical check.

## 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.

### **Standard Monthly Amount**

A standard monthly amount must be determined for each income source used in the budget.

### ***Stable and Fluctuating Income***

Convert stable and fluctuating income that is received more often than monthly to a standard monthly amount. Use one of the following methods:

Multiply weekly income by 4.3.

Multiply amounts received every two weeks by 2.15.

Add amounts received twice a month. BEM 505

In this case, Petitioner submitted a pay stub showing that he earned \$900 for the check he received on April 14, 2023. That biweekly check was for 75 hours at \$█ per hour. Petitioner stated in his interview that this was a typical check. According to Department policy on budgeting \$█ biweekly times 26 results with \$█ annual income. The annual income limit for a household of 1 for HMP is \$19,391.40. Therefore, Petitioner was over the income limit for HMP and the denial for excess income was proper and correct and consistent with Department policy. If Petitioner has a change in income and believes he now may be eligible, then he should reapply.

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 MA application due to excess income.

**DECISION AND ORDER**

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

AM/nr

  
\_\_\_\_\_  
Aaron McClintic  
Administrative Law Judge

**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**

Tracy Bailey - 48  
Luce County DHHS  
500 West McMillan St.  
Newberry, MI 49868

**MDHHS-**

**906EUPHearings@michigan.gov**

**Interested Parties**

906 EUP Hearings  
D. Smith  
EQAD  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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