



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 11, 2023
MOAHR Docket No.: 23-004475
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 September 7, 2023, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by William Carper and Jeremy Enochs.

ISSUE

Did the Department of Health and Human Services (Department) properly close Medical Assistance (MA) for Petitioner's daughter?

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 June 1, 2023, the Department received Petitioner's Medical Assistance (MA) Redetermination (DHS-1010) form. Exhibit A, pp 7-13.
2. Petitioner reported on her June 1, 2023, Redetermination form that she had cash assets totaling \$5,000. Exhibit A, p 8.
3. Petitioner reported on her June 1, 2023, Redetermination form that she was receiving monthly earned income from employment in the gross amounts of \$ [REDACTED] and \$ [REDACTED] every two weeks. Exhibit A, p 9.
4. Petitioner reported on her June 1, 2023, Redetermination form that she is the primary tax filer for the household and that she claims her daughter is a tax dependent. Exhibit A, p 12.

5. Respondent acknowledged under penalties of perjury that her June 1, 2023, Redetermination form was examined by or read to her, and, to the best of her knowledge, contained facts that were true and complete. Exhibit A, p 10.
6. On June 7, 2023, the Department notified Petitioner that Medical Assistance (MA) would close as of July 1, 2023. Exhibit A, p 16.
7. On July 31, 2023, the Department received Petitioner's request for a hearing protesting the closure of her daughter's Medical Assistance (MA) benefits. Exhibit A, pp 4-5.

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 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.*

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.

Children with Income under 54% of the federal poverty level will be considered LIF eligible. Department of Health and Human Services Bridges Eligibility Manual (BEM) 110 (April 1, 2018), p 1.

Petitioner and her daughter were ongoing MA recipients on June 1, 2023, when she reported that she was receiving earned income from two employers in gross amounts of \$ [REDACTED] every two weeks. This earned income is 308% of the federal poverty level, and Petitioner and her daughter exceed the income limits for the categories of MA that they were receiving.

Petitioner and her daughter were receiving MA benefits under categories that do not have an asset limit. Petitioner is not eligible for any other category of MA, but her daughter is potentially eligible for MA under the G2U category, available to children under the age of 19. The countable asset limit for this category is \$3,000. Department of Health and Human Services Bridges Eligibility Manual (BEM) 400 (July 1, 2023), p 7.

Petitioner reported having cash assets exceeding the \$3,000 limit for her daughter to receive benefits under the G2U category of MA benefits.

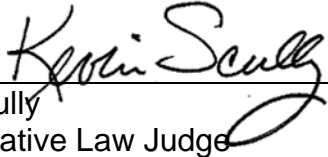
The Department based its determination of eligibility on the statements Petitioner certified to be true and complete, and additional verification was not necessary. Petitioner did not offer any evidence that these income and asset statements were not correct.

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 closed Petitioner's Medical Assistance (MA) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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

Yvonne Hill
Oakland County DHHS Madison
Heights Dist.
30755 Montpelier Drive
Madison Heights, MI 48071
**MDHHS-Oakland-DistrictII-
Hearings@michigan.gov**

Interested Parties

Oakland 2 County DHHS
BSC4
D. Smith
EQAD
MOAHR

Via-First Class Mail :

Petitioner

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