



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
ACTING DIRECTOR



Date Mailed: September 28, 2023  
MOAHR Docket No.: 23-004511  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 August 31, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Leah Janish. Department Exhibit 1, pp. 1-16 was received and admitted.

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) case 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. Petitioner was a recipient of MA-HMP.
2. On June 19, 2023, Petitioner submitted redetermination paperwork stating that he was receiving unemployment compensation.
3. Petitioner credibly testified at hearing that he was not receiving unemployment or any other income.
4. On June 30, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA was closing for failing to verify income.

5. On July 26, 2023, Petitioner requested hearing disputing the closure of his MA case.
6. The case worker agreed at hearing to reinstate and reprocess Petitioner's MA case and activate coverage if it was confirmed that he is not receiving unemployment compensation or any other income.

### **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.

#### **Targeted Population**

The Healthy Michigan Plan (HMP) provides health care coverage for individuals who:

Are 19-64 years of age.

Do not qualify for or are not enrolled in Medicare.

Do not qualify for or are not enrolled in other Medicaid programs.

Are not pregnant at the time of application.

Meet Michigan residency requirements.

Meet Medicaid citizenship requirements.

Have income at or below 133 percent Federal Poverty Level

(FPL). BEM 137

In this case, Petitioner was receiving MA-HMP and was subject to redetermination. Petitioner submitted redetermination forms that stated he was receiving unemployment compensation. Petitioner credibly testified at hearing that he was not receiving

unemployment compensation or any other income. The Department representative agreed to reinstate MA and activate coverage if it was confirmed that Petitioner was no longer receiving unemployment compensation or any other income.

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 did not act in accordance with Department policy when it closed Petitioner's MA case for failing to verify income.


**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate and process Petitioner's MA case going back to the date of closure.
2. Activate MA if Petitioner if found to be eligible.

AM/ml

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

**Interested Parties**

BSC4  
M Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

**Petitioner**  
[REDACTED]  
MI [REDACTED]