



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

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

Date Mailed: November 7, 2023
MOAHR Docket No.: 23-005589
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 October 12, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Caroline Owczarzak. Department Exhibit 1, pp. 1-24 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Medical Assistance 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 July 21, 2023, Petitioner submitted redetermination paperwork.
3. On August 1, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA-HMP would close on August 31, 2023, due to excess income.
4. On August 30, 2023, Petitioner requested hearing disputing the closure of MA-HMP.

5. Petitioner earned [REDACTED] in the 30 days prior to his redetermination. (Ex. 1, pp. 14-15)

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.

Using Past Income

Use past income to prospect income for the future unless changes are expected: • Use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. Note: The 30-day period used can begin up to 30 days before the interview date or the date the information was requested. *** Any 30-day period that best reflects the client's prospective income within these guidelines can be used. Discard a pay from the past 30 days if it is unusual and does not reflect the normal, expected pay amounts. Document which pay(s) is being discarded and why. For example, the client worked overtime for one week and it is not expected to recur. BEM 505.

Income

Modified adjusted gross income must be at or below 133 percent of the Federal Poverty Level (FPL). BEM 137 (June 2020).

In this case, Petitioner was receiving MA-HMP. On July 21, 2023, Petitioner submitted redetermination paperwork including his most recent check stubs which showed that he earned [REDACTED] in the previous 30 days. The monthly income limit for MA-HMP is [REDACTED]. Petitioner's income did include some overtime pay which if it were irregular should not have been included. BEM 505. However, even without the overtime pay, Petitioner was well over the income limit for MA-HMP. Therefore, the closure of MA-HMP due to excess income was proper and correct and consistent with Department policy.

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 MA-HMP case due to excess income.

DECISION AND ORDER

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

AM/ml



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
Brandi Eiland
Arenac County DHHS
3709 Deep River Road
Standish, MI 48658
MDHHS-Arenac-Hearings@michigan.gov

Interested Parties

BSC2
M Schaefer
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Via First Class Mail:

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