

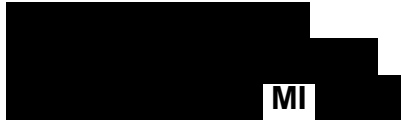


STATE OF MICHIGAN

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: November 14, 2023  
MOAHR Docket No.: 23-005899  
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 19, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lianne Scupholm Hearing Facilitator. Department Exhibit 1, pp. 1-26 was received and admitted.

**ISSUE**

Did the Department properly close Petitioner's Medical Assistance Healthy Michigan Plan (MA-HMP) case and activate Medical Assistance G2S with a deductible?

**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 3, 2023, Petitioner submitted redetermination paperwork.
3. On August 25, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing her that that was not eligible for Freedom to Work Medicaid. This notice was sent in error.
4. On September 22, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing her that his MA-HMP was closing and she was approved for MA-G2S with a \$1,206 deductible.

5. On August 31, 2023, Petitioner requested hearing disputing the closure of MA-HMP.
6. Petitioner receives [REDACTED] per month from the social security administration.
7. Petitioner earns [REDACTED] per month in employment income.
8. Petitioner is enrolled in Medicare.

### **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: Do not qualify for or are not enrolled in Medicare. BEM 137 (June 2020).

#### **Income Eligibility**

Income eligibility exists when net income does not exceed the Group 2 needs in BEM 544. Apply the MA policies in BEM 500, 530, 540 (for children) or 541 (for adults), and 544 to determine net income. BEM 166.

In this case, Petitioner was receiving MA-HMP but at redetermination that coverage was closed because Petitioner is enrolled in Medicare. BEM 137 Petitioner was then considered for other MA programs.

Petitioner earns [REDACTED] earned income from employment and receives [REDACTED] from the social security administration. After subtracting the \$20 unearned income disregard and the ½ plus \$65 earned income disregard and the \$375 protected income, Petitioner has [REDACTED] net income. This was the deductible amount determined by the Department and it was proper and correct and consistent with Department policy. BEM 541


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 due to excess income and activated MA-G2S coverage with a \$1,206 deductible.

**DECISION AND ORDER**

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

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**

Kristina Etheridge  
Calhoun County DHHS  
190 East Michigan  
Battle Creek, MI 49016

**MDHHS-Calhoun-Hearings@michigan.gov**

**Interested Parties**

BSC3  
M Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

**Petitioner**

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