



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 12, 2023
MOAHR Docket No.: 23-006583
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 December 6, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Shanna Ward.

ISSUE

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

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 an ongoing Medical Assistance (MA) recipient on August [REDACTED] 2023, when the Department received her Renew Benefits form. Exhibit A, p 5.
2. Petitioner reported to the Department that she did not intent to file an income tax return. Exhibit A, p 13.
3. Petitioner is under 64 years of age, and she lives with her spouse and two children who are over the age of 19. Exhibit A, p 9.
4. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED] Exhibit A, p 15.
5. Petitioner's spouse receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED] Exhibit A, p 16.
6. Petitioner's spouse receives Medicare benefits, but Petitioner does not. Exhibit A, p 12.

7. On September [REDACTED] 2023, the Department notified Petitioner that she is not eligible for Medical Assistance (MA) as of November 1, 2023. Exhibit A, p 17.
8. On October 11, 2023, the Department received Petitioner's request for a hearing protesting the closure of her Medical Assistance (MA). Exhibit A, pp 3-4.

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 Healthy Michigan Plan (HMP) provides health care coverage for individuals that are 19-64 years of age, do not qualify for or are not enrolled in Medicare. Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (June 1, 2020), p 1. 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.

Petitioner is under 64 years of age, and she lives with her spouse and two children who are over 19 years of age. Petitioner is not eligible for Medicare, and she does not intend to file an income tax return. For the purposes of determining her eligibility for HMP benefits, Petitioner is considered to be a household of two. As a household of two, Petitioner's gross monthly income of \$[REDACTED] is 234% of the federal poverty level, and she is not eligible for HMP benefits based on that income. For a household of two, the income HMP income limit is \$2,185 per month.

The hearing record supports a finding that the Department properly determined Petitioner's household size of 2 for the purposes of determining her eligibility for HMP benefits, but the income limit for a household of four is \$[REDACTED] per month and she would be ineligible as a household of four.

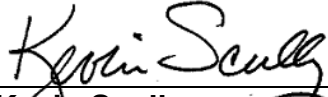
Petitioner is not eligible for any other category of MA benefits based on her non-financial circumstances. Therefore, Petitioner is not eligible for MA benefits.

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 properly determined that Petitioner is not eligible for Medical Assistance (MA).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



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
Shanna Ward
Osceola-Mecosta County DHHS
**MDHHS-Mecosta-Osceola-
Hearings@michigan.gov**

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Via-First Class Mail :

Petitioner

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