



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 21, 2023
MOAHR Docket No.: 23-007242
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 18, 2023, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Sylvia Copeland and Ryan Clemons.

ISSUE

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

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 is disabled and he is eligible for Medicare. Exhibit A, p 12.
2. Petitioner reported to the Department on September [REDACTED] 2023, that he holds cash assets totaling \$[REDACTED] Exhibit A, p 16.
3. On October [REDACTED] 2023, the Department notified Respondent that he was not eligible for Medical Assistance (MA) effective November 1, 2023. Exhibit A, p 7.
4. On October 25, 2023, the Department received Petitioner's request for a hearing protesting the denial of Medical Assistance (MA). Exhibit A, pp 5-6.

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) is a category of MA benefits with no asset limit that provides health care coverage for individuals who are 19-64 years of age that do not qualify for Medicare and have an income at or below 133% of the federal poverty level. Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (XXX).

Petitioner was an ongoing MA recipient when temporary exceptions put in place during the Covid-19 pandemic came to an end. Petitioner is disabled and eligible for Medicare benefits. Therefore, Petitioner is no longer eligible for MA benefits under the HMP category.

Health care coverage is available for disabled individuals that meet the asset limit in BEM 400. Department of Health and Human Services Bridges Eligibility Manual (BEM) 166 (April 1, 2017), p 1. For a single person, that asset limit is \$2,000. Department of Health and Human Services Bridges Eligibility Manual (BEM) 400 (July 1, 2023), p 8.

Petitioner was an ongoing recipient of MA benefits under the HMP category, but he no longer meets the criteria for that category because he is disabled and eligible for Medicare benefits. The Department determined Petitioner's eligibility under other categories but determined that he is not eligible for any disability-based category of MA benefits based on the cash assets he reported to the Department.

Petitioner credibly testified that his current available assets are less than \$██████. As the level of Petitioner's countable assets changes, his eligibility for MA benefits also changes.


However, as of October 14, 2023, the Department properly determined that Petitioner is not eligible for MA benefits under any category.

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/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
Trista Waishkey
Washtenaw County DHHS
**MDHHS-Washtenaw-
Hearings@michigan.gov**

SchaferM

EQADhearings

BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

██████████
████████████████████
████████████████████