



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]
MI [REDACTED]

Date Mailed: December 8, 2023
MOAHR Docket No.: 23-007480
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On October 16, 2023, Petitioner, [REDACTED] requested a hearing to dispute a Medical Assistance (MA) closure. As a result, a hearing was scheduled to be held on December 6, 2023, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Amber Gibson, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 19-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's 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 received MA from the Department through the Healthy Michigan Plan.
2. On September 9, 2023, Petitioner submitted a redetermination form to the Department to renew her eligibility for MA.
3. Petitioner is married.

4. Petitioner does not have any dependents that she claims on her tax return.
5. Petitioner's age is between [REDACTED] years old.
6. Petitioner's spouse receives a monthly benefit of [REDACTED] from social security RSDI.
7. Petitioner is employed at [REDACTED]. Petitioner received [REDACTED] per hour from her employment until December 1, 2023, when she received a raise to [REDACTED] per hour. Petitioner worked an average of 15 hours per week until November 27, 2023, when her hours increased to 30 hours per week.
8. Petitioner was injured in May 2023, and Petitioner was not released to return to work until August 21, 2023.
9. Petitioner received pay biweekly from her employer. Petitioner received the following earnings from her employment:
 - a. [REDACTED] paid on September 1, 2023; and
 - b. [REDACTED] paid on September 15, 2023
10. The Department budgeted Petitioner's household income based on the information it obtained for Petitioner, and the Department determined that Petitioner's income exceeded the limit to be eligible for MA.
11. On October 9, 2023, the Department issued a notice of case action to notify Petitioner that her MA was ineligible for MA, effective November 1, 2023.
12. Petitioner requested a hearing to dispute the Department's decision.

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Health care coverage for adults is available through various programs, including the Healthy Michigan Plan. In order for an individual to be eligible for health care coverage

under the Healthy Michigan Plan, the individual must be age 19 to 64 and the individual's household income must not exceed 133% of the Federal Poverty Limit (FPL). BEM 137 (June 1, 2020), p. 1. However, a 5% disregard is available to make those individuals eligible who would otherwise not be eligible. BEM 500 (April 1, 2022), p. 5. The 5% disregard increases the income limit by an amount equal to 5% of the FPL for the group size. *Id.* at 5.

The household size is determined based on tax filer and tax dependent rules. BEM 211 (July 1, 2019), p. 1. For tax filers, the household size includes the tax filer, the tax filer's spouse, and all dependents claimed. *Id.* at 1-2. Here, Petitioner has a household two because Petitioner is married, and Petitioner does not have any tax dependents.

The FPL for a household size of two in 2023 is \$19,720.00. 88 FR 3424 (January 19, 2023). Since the applicable FPL is \$19,720.00, 133% of the FPL is \$26,227.60, and 133% with a 5% disregard is \$27,213.60. Thus, the income limit for Petitioner to be eligible for health care coverage under the Healthy Michigan Plan is \$27,213.60 per year. Income eligibility is based on modified adjusted gross income (MAGI) for Healthy Michigan. BEM 137, p. 1 and 7 CFR 435.603. MAGI is defined as adjusted gross income increased by (1) excluded foreign income, (2) tax exempt interest, and (3) the amount of social security benefits excluded from gross income. 26 USC 36B(d)(2)(B). Adjusted gross income is that which is commonly used for Federal income taxes, and it is defined as gross income minus deductions for business expenses, losses on the sale or exchange of property, retirement contributions, and others. 26 USC 62.

The Department begins its income determination by examining a client's self-reported income. BEM 500 at 5. If the client's self-reported income is over the income limit, then the client is ineligible. *Id.* If the client's self-reported income is below the income limit, the Department compares the client's self-reported income to income obtained from trusted sources to determine if the two are compatible. *Id.* Income is compatible if the difference between the two is 10% or less. *Id.* If the two are compatible, then the Department uses the client's self-reported income. *Id.* If the two are not compatible and the income obtained from trusted sources is over the income limit, then the Department requires the client to provide proof of the self-reported income. *Id.* at p. 5-6.

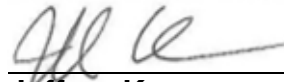
Here, Petitioner's household income is composed of her spouse's social security RSDI, and Petitioner's earned income from her employment at [REDACTED]. Petitioner's spouse receives [REDACTED] per month from social security RSDI, which equals [REDACTED] per year. Petitioner's spouse's income alone exceeds the income limit, so Petitioner is ineligible for health care coverage under the Healthy Michigan Plan. Since Petitioner is ineligible for health care coverage under the Healthy Michigan Plan, the Department properly closed Petitioner's MA.

DECISION AND ORDER

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 act in accordance with its policies and the applicable law when it closed Petitioner's Medical Assistance.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/ml



Jeffrey Kemm
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

