



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: January 26, 2024
MOAHR Docket No.: 23-007530
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 January 5, 2024, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Hannah Czechowski, Back Up Hearing Coordinator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-54.

ISSUE

Did the 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 was receiving MA as a Supplemental Security Income (SSI) recipient. (Exhibit A, p. 1; Department Testimony)
2. Petitioner's SSI benefits ended as of July [REDACTED] 2022. (Exhibit A, p. 1; Department Testimony)
3. Petitioner continued to receive MA related to being an SSI recipient during the COVID-19 public health emergency due to COVID-19 Pandemic policies that kept all MA programs active without reduction of coverage since March 2020. These

policies were lifted following the end of the public health emergency in 2023. (Exhibit A, p. 1; Department Testimony)

4. On July 10, 2023, the SSI-Terminated Medicaid Coverage notice and Health Care Coverage Supplemental Questionnaire were mailed to Petitioner. (Exhibit A, pp. 7-11)
5. On August █ 2023, Petitioner submitted an application for MA. Petitioner reported his spouse is in the home and she is employed. (Exhibit A, pp. 12-30)
6. On October █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating MA was denied. (Exhibit A, pp. 31-33)
7. On October 31, 2023, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-5 and 34-36)
8. On November █ 2023, the Department reviewed Petitioner's MA case for potential reinstatement. The Department confirmed that Petitioner's SSI ended July 2022. The Department determined that Petitioner exceeded the income and asset limits for MA. Petitioner was unsure how they file taxes and would discuss submitting tax forms with his wife. (Exhibit A, pp. 6 and 54; Department Testimony)
9. On November 3, 2023, Petitioner submitted tax return documentation, however it was unsigned. (Exhibit A, pp. 38-52)

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.

For beneficiaries receiving MA based on receipt of SSI, the Department's central office will close the MA-SSI benefits when a data exchange with the Social Security Administration (SSA) indicates the SSI benefits are terminated. BAM 220, November 1, 2023, p. 18. The Department is to complete a redetermination/ex-parte review before Medicaid closure, which will consider all MA categories. BEM 150, July 1, 2021, p. 6.

Asset eligibility is required for SSI-related MA categories. Asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. BEM 400, July 1, 2023, pp. 6-7. For the applicable SSI related MA categories for a group of two the asset limit is \$3,000.00. BEM 400. pp. 6-8.

For SSI related MA, vehicles are counted as assets and only one vehicle per asset group is excluded. BEM 400, July 1, 2023, pp. 40-41.

In this case, Petitioner was receiving MA as a Supplemental Security Income (SSI) recipient. Petitioner's SSI benefits ended as of July █ 2022. Petitioner continued to receive MA related to being an SSI recipient during the COVID-19 public health emergency due to COVID-19 Pandemic policies that kept all MA programs active without reduction of coverage since March 2020. These policies were lifted following the end of the public health emergency in 2023. (Exhibit A, p. 1; Department Testimony).

On July █ 2023, the SSI-Terminated Medicaid Coverage notice and Health Care Coverage Supplemental Questionnaire were mailed to Petitioner. (Exhibit A, pp. 7-11). On August █ 2023, Petitioner submitted an application for MA. Petitioner reported his spouse is in the home and she is employed. No other household members were reported. (Exhibit A, pp. 12-30). On October █ 2023, a Health Care Coverage Determination Notice was issued to Petitioner stating MA was denied. This Notice indicated Petitioner had not returned a redetermination form and he did not meet program requirements. (Exhibit A, pp. 31-33).

On October 31, 2023, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-5 and 34-36). Petitioner indicated that he filed the appeal because he did not return the form the Department sent to him and questioned how they could have determined that he did not meet program requirements if they had not received the form. (Petitioner Testimony). It appears that the portion of the denial indicating Petitioner did not return a redetermination form was in error as Petitioner submitted the MA application on August 10, 2023. Petitioner was no longer eligible for MI as a SSI recipient because he was no longer receiving SSI.

Subsequently, on November █ 2023, the Department reviewed Petitioner's MA case for potential reinstatement. The Department confirmed that Petitioner's SSI ended July 2022. The Department determined that Petitioner exceeded the income and asset limits for MA. (Exhibit A, pp. 6 and 54; Department Testimony). Petitioner indicated he did not understand the asset determination. Petitioner believed that the asset at issue is a motorcycle, which was purchased with money he received from a lawsuit against the utility company related to a fire. Petitioner has another vehicle, and his spouse has a vehicle. (Petitioner Testimony). As discussed, the Department can only exclude one vehicle per household, and it would not matter where the funds came from to purchase the motorcycle. The Department confirmed that the vehicles considered were: Petitioner's █ Harley Davidson, his wife's █ Mazda, and Petitioner's █ Ford. The Mazda was excluded as it had the highest value. The values of the remaining vehicles exceeded the asset limit. (Department Testimony). Petitioner's testimony indicated he was not

aware that all household vehicles are considered and only one vehicle per household can be excluded. (Petitioner Testimony). Overall, the evidence indicates the Department properly determined the household assets exceeded the applicable limit.

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 Petitioner's eligibility for MA when the case was reviewed on November 2023.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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
Susan Derseweh
Genesee County DHHS Clio Rd Dist.
**MDHHS-Genesee-Clio-
Hearings@michigan.gov**

SchaferM

EQADHearings

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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