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GOVERNOR

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

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Date Mailed: February 22, 2024
MOAHR Docket No.: 23-008510
Agency No.: ██████████
Petitioner: ██████████

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 January 23, 2024, from Lansing, Michigan. The Petitioner was represented by herself. ██████████ also appeared and testified for the Petitioner. The Department of Health and Human Services (Department) was represented by Sara Stellema. Thomas Sussit also appeared and testified for the Department. Department Exhibit 1, pp. 1-29 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) case due to excess income?

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 August 30, 2023, Petitioner submitted redetermination paperwork.
3. On September 26, 2023, a Health Care Coverage Determination Notice was sent to Petitioner that her MA-HMP would be closing effective October 31, 2023, due to excess income.

4. On November 22, 2023, Petitioner requested hearing disputing the closure of MA-HMP.
5. Petitioner reported earning [REDACTED] per week on her redetermination form.
6. The Department found that Petitioner earned [REDACTED] per month from employment income from the [REDACTED] based on what Petitioner reported on her redetermination form.

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:

- Are 19-64 years of age.
- Do not qualify for or are not enrolled in Medicare.
- Do not qualify for or are not enrolled in other Medicaid programs.
- Are not pregnant at the time of application.
- Meet Michigan residency requirements.
- Meet Medicaid citizenship requirements.
- Have income at or below 133 percent Federal Poverty Level (FPL). BEM 137

In this case, Petitioner was a recipient of MA-HMP. On August 30, 2023, Petitioner submitted redetermination paperwork which included check stubs from her job at [REDACTED]. The Department determined that Petitioner has [REDACTED] monthly employment income based on what she reported on her redetermination form. (Ex. 1, p.19) The income limit for HMP for a household of 1 for someone between 18-49 years old is \$1,615.92. Therefore, Petitioner is over the income limit for HMP and the closure due to excess income was proper and correct and consistent with Department policy. BEM 137 Petitioner had been over the income limit for HMP since March 2022 but her MA-HMP did not close because of the pandemic policies in place. (Ex. 1, p.24)


Petitioner testified at the hearing that her employment income fluctuates and that she had been working fewer hours since the determination was made. It was explained that if Petitioner's hours have been reduced and she believes she may be under the income limits, then she should reapply.

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 case due to excess income.

DECISION AND ORDER

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

AM/cc



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 :

Interested Parties

MDHHS-Kent-Hearings
BSC3-HearingDecisions
EQADHearings
M. Schaefer
MOAHR

Via-First Class Mail :

Petitioner

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