



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED]
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Date Mailed: March 1, 2024
MOAHR Docket No.: 24-000520
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

ORDER OF DISMISSAL
FOR LACK OF JURISDICTION

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 February 22, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Rachel Meade.

Petitioner is an ongoing recipient of Medical Assistance (MA), and her benefits are subject to a monthly deductible based on her income. Petitioner's eligibility for MA exists when her allowable medical expenses equal or exceed the excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 545 (July 1, 2022), p 1.

Petitioner argues that the Department is not processing verification of the medical expenses she submits to the Department and applying those expenses towards her monthly deductible in a timely manner. Petitioner failed to identify any medical expenses that she incurred that were not eventually covered by her MA benefits.

Petitioner argues that the Department's lack of a standardized form for submitting medical transportation expenses to the Department is a barrier to her applying those medical costs towards her monthly deductible. Petitioner failed to identify any medical transportation expenses that were not applied towards her monthly deductible.

Petitioner does not dispute that the Department properly applied her fixed income towards the determination of her monthly deductible but argues that the MA monthly protected income level is too high a percentage of her monthly income.

Petitioner failed to identify a month where she was denied eligibility for MA benefits, although those benefits in each month were contingent on her medical expenses meeting or exceeding the excess income limit.

The Petitioner's grievance centers on dissatisfaction with the Department's current Medical Assistance (MA) policies. Administrative Law Judges have no authority to make

decisions on constitutional grounds, overrule statutes, overrule promulgated regulations, or make exceptions to the department policy set out in the program manuals. Administrative adjudication is an exercise of executive power rather than judicial power and restricts the granting of equitable remedies. *Michigan Mutual Liability Co. v Baker*, 295 Mich 237; 294 NW 168 (1940).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits, or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.


Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2021), p 5.

Petitioner failed to identify a negative action by the Department that entitles her to an administrative hearing.

Petitioner's hearing request is therefore **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

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
Heather Dennis
Jackson County DHHS
**MDHHS-Jackson-
Hearings@michigan.gov**

SchaferM

EQADHearings

BSC4HearingDecisions

MOAHR

Via-First Class Mail :

[REDACTED]