



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: February 22, 2023
MOAHR Docket No.: 22-006108
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 26, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Susan Derseweh, Hearing Facilitator. Department Exhibit 1, pp. 1-30 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application 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. On ██████████ ██████████ 2022, Petitioner applied for MA.
2. Petitioner's wife ██████████ ██████████ receives \$██████████ in social security benefits at the time of application.
3. Petitioner did not dispute how much income the Department was attributing to his wife.
4. On October 26, 2022, A Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA application was denied due to excess income.
5. On December 20, 2022, Petitioner requested hearing disputing the denial of MA.

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.

DEPARTMENT POLICY

Medicaid (MA) Only

The Healthy Michigan Plan (HMP) is based on Modified Adjusted Gross Income (MAGI) methodology.

The Healthy Michigan Plan provides health care coverage for a category of eligibility authorized under the Patient Protection and Affordable Care Act and Michigan Public Act 107 of 2013 effective April 1, 2014.

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, at the time of application, Petitioner's spouse was receiving \$[REDACTED] from the social security administration. Petitioner did not dispute the amount of income the Department was attributing to his wife. If you multiply \$[REDACTED] times 12 the yearly income for the household is \$[REDACTED]. The yearly income limit for a household of 2 for MA-HMP is \$24,352.30. Therefore, Petitioner is over the income limit and the Department was correct to deny Petitioner's MA-HMP application due to excess income. BEM 137

Petitioner testified at hearing that he and his wife worked for many years as nurses and due to work related injuries and health problems they are unable to work at this time. Petitioner testified that he believed it was unfair that he was not eligible for Medicaid and pointed out that his household would be under the income limit if he was 18 years old or younger. Petitioner argued that everything can not be black and white and requested that an exception be made.

Department policy does not allow for exceptions to be made based on someone's individual circumstances as argued by Petitioner. The Department is required to make their determinations based on the income information they receive, and the income guidelines established in policy based on the federal regulations. BEM 135, 42 CFR 435.119

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 denied Petitioner's MA application due to excess income.

DECISION AND ORDER

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

AM/nr



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 :

DHHS
Susan Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504
**MDHHS-Genesee-Clio-
Hearings@michigan.gov**

Interested Parties
Genesee Clio County DHHS
BSC2
D. Smith
EQAD
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
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[REDACTED] MI [REDACTED]