



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

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Date Mailed: February 21, 2024
MOAHR Docket No.: 23-009080
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 14, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Rebecca Ferrill.

ISSUE

Did the Department of Health and Human Services (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. On November █████ 2023, the Department received Petitioner’s Redetermination (DHS-1010) form. Exhibit A, p 8.
2. Petitioner is married and they live together. Exhibit A, p 9.
3. Petitioner reported that she is employed and receives earned income in the gross weekly amount of \$█████ Exhibit A, p 10.
4. Petitioner’s husband is employed and receives earned income in the gross weekly amount of \$█████ Exhibit A, p 10.
5. On November █████ 2023, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) effective January 1, 2024. Exhibit A, p 5.
6. On December 11, 2023, the Department received Petitioner’s eligibility for Medical Assistance (MA). Exhibit A, pp 3-4.

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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

The income limit to participate in the Healthy Michigan Plan (HMP) is 133% of the federal poverty level. Department of Health and Human Services Reference Table Manual (RFT) 246 (April 1, 2014), p 1.

The household for a tax filer who is not claimed as a tax dependent consists of the individual and the individual's spouse. Department of Health and Human Services Bridges Eligibility Manual (BEM) 211 (October 1, 2023), p 2.

Petitioner was an ongoing recipient of MA benefits. Petitioner reported that she is married, and that she receives earned income of \$████ per week and that her husband receives \$████ per week. The total gross monthly income for Petitioner's household of two is 195% of the federal poverty level, and she exceeds the 133% limit to receive ongoing HMP benefits.

Petitioner argued that she and her husband keep their finances separate and that she should not be required to apply for MA benefits as a household of two.

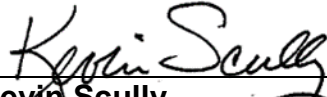
The Petitioner's grievance centers on dissatisfaction with the Department's current policy. The Petitioner's request is not within the scope of authority delegated to this Administrative Law Judge. Administrative Law Judges have no authority to make overrule statutes, overrule promulgated regulations, or make exceptions to the department policy set out in the program manuals.

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 determined that Petitioner is not eligible for the Healthy Michigan Plan (HMP) based on her household income.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

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
Jamie Dent
Grand Traverse/Leelanau County
DHHS
**MDHHS-GrandTraverse-
Hearings@michigan.gov**

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Via-First Class Mail :

Petitioner

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