



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: February 6, 2024
MOAHR Docket No.: 23-009390
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

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 January 24, 2024, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Melissa Brandt.

ISSUE

Did the Department of Health and Human Services (Department) properly determine his eligibility for Medical Assistance (MA) and Food Assistance Program (FAP) benefits?

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 is [REDACTED] years of age.
2. Petitioner was an ongoing recipient of Medical Assistance (MA) on November [REDACTED] 2023, when the Department received his completed Redetermination form. Exhibit A, p 6.
3. Respondent reported on his November [REDACTED] 2023, Redetermination form that he is disabled. Exhibit A, p 7.
4. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$[REDACTED] Exhibit A, p 11.
5. Petitioner is responsible to pay a monthly medical insurance premium payment of \$[REDACTED] Exhibit A, p 33.
6. Petitioner is responsible for monthly housing expense of \$[REDACTED] Exhibit A, p 10.

7. On December 13, 2023, the Department received Petitioner's request for a hearing protesting the Department's determination of the level of Medical Assistance (MA) that she is eligible for. Exhibit A, pp 3-5.

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 Food Assistance Program (FAP) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 through 400.3011.

The Department initiated a routine review of Petitioner's eligibility for ongoing benefits with the receipt of the Redetermination form he submitted on November █ 2023. Petitioner receives monthly RSDI benefits in the gross monthly amount of \$█ and he is █ years of age. Petitioner's adjusted gross income of \$█ was determined by reducing his total gross income by the \$198 standard deduction and a \$█ medical deduction.

Petitioner is responsible to pay medical insurance premium payments in the monthly amount of \$█. Medical expenses are reduced by a flat \$35 deduction, but because Petitioner is eligible for any medical expenses, he qualified to receive the \$165 standard medical deduction.

Petitioner is entitled to a \$█ shelter deduction, which was determined by reducing the total of his \$█ monthly housing expense and the standard \$680 heat and utility deduction by 50% of his adjusted gross income.

Petitioner's net monthly income of \$█ was determined by reducing his adjusted gross income by his shelter deduction. A household of one with a net monthly income of \$█ is entitled to a \$█ monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2023), p 10.

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.

Petitioner is a Michigan resident that is ■ years old, and he does not qualify for Medicare. Petitioner's gross monthly income is 138% of the federal poverty level for a household of one, and he is not eligible for MA benefits under the Healthy Michigan Plan (HMP). Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (January 1, 2024), pp 1-3.

Petitioner does not meet the definition of "aged" under Department policy because he is ■ years old. Petitioner testified that he applied for early retirement from the Social Security Administration (SSA) based on his health, but the hearing record does not establish that he is considered to be disabled by SSA. Petitioner is not eligible for and does not receive Medicare benefits. Petitioner reported on his November ■ 2023, Redetermination form that he is disabled.

A person meets the disability factor for a month if he is determined to be disabled in the month being tested. A person not eligible for RSDI based on disability or blindness must provide evidence of his disability or blindness. The Disability Determination Service (DDS) will determine disability for retroactive months even if retroactive benefits are not requested by the client. Department of Health and Human Services Bridges Eligibility Manual (BEM) 260 (January 1, 2023), pp 1-14.

No evidence was presented on the record that Petitioner applied for disability benefits from the Social Security Administration, but no evidence was offered during the hearing that SSA determined Petitioner to be "not disabled" either. A final decision by SSA of non-disability is binding on the Department, but the Department is directed by BEM 260 to refer a person claiming disability to DDS to make a determination of disability.

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (January 1, 2024), p 3.

Petitioner is not eligible for HMP benefits based on his income. Petitioner receives RSDI and the hearing record does not establish that he received a finding of not disabled from SSA. The Department determined that Petitioner is eligible for limited coverage MA under the Plan First category, but he is entitled to a determination of his eligibility for MA benefits under other categories that he may qualify for, including disability-based categories of MA.

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 did not act in accordance with Department policy when it failed to refer Petitioner to the Disability Determination Service and determine Petitioner's eligibility for disability based categories of Medical Assistance (MA).

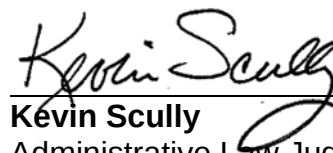
DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a determination of the Petitioner's eligibility for Medical Assistance (MA) under the most beneficial category that he may be eligible for as of January 1, 2024.
2. Provide the Petitioner with written notice describing the Department's revised eligibility determination.
3. Issue the Petitioner any retroactive benefits he may be eligible to receive, if any.

KS/dm

A handwritten signature in black ink that reads "Kevin Scully". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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
Melissa Brandt
Ionia County DHHS
MDHHS-IONIA-
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BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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