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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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Date Mailed: March 27, 2024
MOAHR Docket No.: 24-000328
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 February 27, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Sherian Carden. Department Exhibit 1, pp. 1-59 and Exhibit 2, pp.1-2 were received and admitted.

ISSUE

Did the Department properly determine Petitioner's 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 2, 2023, a Health Care Coverage Determination was sent to Petitioner informing her that she was eligible for Transitional MA and household members ██████████ and ██████████ were eligible for MA-G2 with a \$757 deductible. (Ex. 1, pp. 9-13)
2. On January 12, 2024, Petitioner requested a hearing disputing the determination of her MA benefit.
3. On January 19, 2024, a Benefit Notice was sent to Petitioner informing her that her children and household members ██████████ and ██████████ were eligible for MA-G2 with a deductible. (Ex. 1, pp. 48-51)

4. The Department provided a BRIDGES G2-FIP related MA-Net Income printout that showed how the deductible amount was calculated. (Ex. 2, pp. 1-2)

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.

TAX FILERS AND NON- TAX FILERS

The household for a tax filer, who is not claimed as a tax dependent, consists of:

- Individual.
- Individual's spouse.
- Tax dependents. BEM 211

In this case, Petitioner has Transitional Medicaid and she is satisfied with her benefit. Household members [REDACTED] and [REDACTED] have MA-G2 with a deductible amount of \$1,550. Petitioner questioned whether they should have MA without a deductible and whether [REDACTED] income should be included in the calculation. [REDACTED] is included in Petitioner's MA group because she is a tax dependent of Petitioner and she is a tax filer herself due to her income being over the \$12,500 threshold. BEM 211


With regard to the deductible amount calculation, the mother's prorated income is \$[REDACTED]. The mother and child's share of mother's income is \$[REDACTED]. After deducting the \$541 protected income level that leaves \$[REDACTED], which is the deductible amount. This was the deductible amount determined by the Department and it was proper and correct and consistent with Department policy.

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 the MA benefit and deductible amount for household members [REDACTED] and [REDACTED].

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-Macomb-20-Hearings
BSC4-HearingDecisions
EQADHearings
M. Schaefer
MOAHR

Via-First Class Mail :

Petitioner

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