



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

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DIRECTOR

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Date Mailed: March 27, 2024  
MOAHR Docket No.: 24-000331  
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 himself. ██████████ also appeared and testified for the Petitioner. The Department of Health and Human Services (Department) was represented by Yvonna Lograsso. Department Exhibit 1, pp. 1-30 was received and admitted.

**ISSUE**

Did the Department properly determine Petitioner's Medical Assistance (MA) benefit and deductible amount?

**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 8, 2023, Petitioner submitted redetermination paperwork.
2. On November 21, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA case would be closing.
3. On January 12, 2024, Petitioner requested a hearing disputing the closure of MA.
4. On January 18, 2024, a Verification Checklist was sent to Petitioner requesting verification of checking account.

5. On January 18, 2024, Medicaid was reinstated with a \$1,084 deductible for Petitioner and his son [REDACTED].
6. Petitioner's deductible was reviewed and reduced to \$997 per month effective April 1, 2024, just for the Petitioner as a household of one because his son [REDACTED] was no longer living with him.

### **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.

#### **DEDUCTIBLE**

Deductible is a process which allows a client with excess income to become eligible for Group 2 MA if sufficient allowable medical expenses are incurred. Active Deductible Open an MA case without ongoing Group 2 MA coverage on Bridges as long as:

- The fiscal group has excess income, and
- At least one fiscal group member meets all other Group 2 MA eligibility factors. Such cases are called active deductible cases. Periods of MA coverage are added each time the group meets its deductible. BEM 545

In this case, Petitioner receives [REDACTED] in social security benefits per month. After deducting COLA exclusion amount of \$87 and \$174.70 for insurance premiums, Petitioner has \$[REDACTED] in net income. After subtracting \$408 for the protected income level, Petitioner has [REDACTED] remaining which is the deductible amount. (Ex. 2, p.1) The calculation of Petitioner's deductible amount was proper and correct and consistent with Department policy. BEM 541

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 Petitioner's MA eligibility and deductible amount.

**DECISION AND ORDER**

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

AM/cc



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**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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