



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN DPA
DIRECTOR

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Date Mailed: April 11, 2024
MOAHR Docket No.: 24-001353
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 March 12, 2023, from Lansing, Michigan. The Petitioner was represented by her son ██████████, Petitioner also appeared. The Department of Health and Human Services (Department) was represented by Danielle Moton Hearing Facilitator who appeared and testified for the Department. Department Exhibit 1, pp.1-28 and Exhibit 2, pp. 1-3 were received and admitted.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) and ALMB Medicare Cost Share eligibility?

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 January 18, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was not eligible for the Medicare Savings Program.
2. On February 9, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was not eligible for the Medicare Savings Program and MA-Adcare due to excess income.
3. On January 31, 2024, Petitioner requested a hearing disputing the closure of MA-Adcare.

4. Petitioner receives unearned income from the social security administration in the amount of \$ [REDACTED] per month. (Ex. 1, p.20)

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.

Income Eligibility

Net income cannot exceed one hundred percent of the federal poverty level. The net income limit can be determined by subtracting twenty dollars from the income limits listed in table one of RFT 242. Income eligibility cannot be established with a patient pay amount or by meeting a deductible. Determine countable income according to SSI-related MA policies in BEM 500, 501, 502, 503, 504 and 530 except as explained in COUNTABLE RSDI in this item. Apply the deductions in BEM 540 (for children) or 541 (for adults) to countable income to determine net income. BEM 163

COUNTABLE RSDI

Gross amount means the amount of RSDI before any deduction such as Medicare. Countable RSDI for fiscal group members is the gross amount for the previous December when the month being tested is January, February, or March. Federal law requires that the cost-of-living increase received in January be disregarded for these three months. For all other months, countable RSDI is the gross amount for the month being tested. For all other persons whose income must be considered, countable RSDI is always the gross amount for the month being tested. BEM 163

In this case, Petitioner receives \$ [REDACTED] in unearned income per month from the Social Security Administration. After the \$20 unearned income disregard, Petitioner has \$ [REDACTED] net income. The income limit for MA-Adcare at the time of determination was \$1,255. RFT 242 Therefore, Petitioner was over the income limit for MA-Adcare and the closure due to excess income was proper and correct and consistent with Department policy.

With regard to the Medicare Cost Share programs, Petitioner receives [REDACTED] in unearned income per month from the Social Security Administration. After the \$20 unearned income


disregard, Petitioner has [REDACTED] net income. The income limit for Medicare Cost Share program at the time of determination was \$1,694.25. RFT 242 Therefore, Petitioner was under the income limit and approved for Medicare Cost Share ALMB effective April 1, 2024. This action 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 closed Petitioner's MA-Adcare due to excess income and approved ALMB-Medicare Cost Share.

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-Wayne-17-hearings
BSC4-HearingDecisions
EQADHearings
M. Schaefer
MOAHR

Via-First Class Mail :

Petitioner

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