



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN DPA
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: May 13, 2024
MOAHR Docket No.: 24-002051
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 April 18, 2024, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Sherri Polk FIM. Department Exhibit 1, pp. 1-11 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Medicaid Healthy Michigan Plan (MA-HMP) case due to excess income?

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 October 19, 2023, Petitioner submitted updated employment income information with a check stub showing that he earned \$[REDACTED] for the week of October 5, 2023.
2. Petitioner reported on his new hire client notice that he would be working "24-32" hours per week.
3. On November 7, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA-HMP was closing, and he was approved for MA-Plan First effective December 1, 2023.
4. On February 28, 2024, Petitioner requested a hearing disputing the closure of his MA-HMP.

5. Petitioner provided a check stub showing he worked 27.5 hours and he earned \$[REDACTED].
6. Petitioner reported on his new hire notice that he would be working 24-32 hours.
7. Based on Petitioner's check stub and new hire notice the Department found that Petitioner earned \$[REDACTED] in employment income per month.

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.

Current and Future Months

Prospect income using a best estimate of income expected to be received during the month (or already received). Seek input from the client to establish an estimate, whenever possible. To prospect income, you will need to know:

- The type of income and the frequency it is received (such as, weekly).
- The day(s) of the week paid.
- The date(s) paid.
- The gross income amount received or expected to be received on each pay date. BEM 505

Targeted Population

The Healthy Michigan Plan (HMP) provides health care coverage for individuals who:

- Are 19-64 years of age.
 - Do not qualify for or are not enrolled in Medicare.
 - Do not qualify for or are not enrolled in other Medicaid programs.
 - Are not pregnant at the time of application.
 - Meet Michigan residency requirements.
 - Meet Medicaid citizenship requirements.
 - Have income at or below 133 percent Federal Poverty Level (FPL). BEM 137
- In this case, Petitioner provided one check stub showing he earned \$[REDACTED]. Petitioner reported on his new hire notice that he would be working 24-32 hours. The Department used the pay stub and a prospected amount based on Petitioner working 32 hours, that

amount is \$[REDACTED]. Then the Department found an average of those two amounts and multiplied by 4.3. The Department found Petitioner's monthly employment income to be \$[REDACTED]. The correct calculation is \$[REDACTED] based on $(371 + 432) \div 2 = 401.5$. 401.5×4.3 equals \$[REDACTED]. The monthly income limit for MA-HMP is \$1,669. Therefore, Petitioner was over the income limit for HMP and the closure on that basis was proper and correct. BEM 137

Petitioner testified at hearing that recently his hours have been less than the prospected amount. Petitioner was advised to reapply, and his eligibility would be based on his earnings in the previous thirty days.

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-HMP case due to excess income.

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-GrandTraverse-Hearings
BSC1-HearingDecisions
EQADHearings
M. Schaefer
MOAHR

Via-First Class Mail :

Petitioner

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