



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

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

Date Mailed: June 7, 2024  
MOAHR Docket No.: 24-003651  
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 May 9, 2024, from Lansing, Michigan. The Petitioner appeared and testified and was represented by himself. [REDACTED] also appeared and testified for the Petitioner. The Department of Health and Human Services (Department) was represented by Jennifer Richard. Department Exhibit 1, pp. 1-30 was received and admitted.

### **ISSUE**

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility 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. Petitioner submitted redetermination paperwork on March 8, 2024.
2. On March 12, 2024, a Health Care Coverage Determination was sent to Petitioner informing him that the 3-person group was eligible for MA-G2S with a \$7,028 deductible effective April 1, 2024. (Ex. 1, p. 6)
3. On March 27, 2024, Petitioner requested a hearing disputing the determination of his MA benefit.
4. The Department provided a BRIDGES G2-FIP related MA-Net Income printout that showed how the deductible amount for May 2024 was calculated. (Ex. 1, p. 21)

5. Petitioner provided two biweekly check stubs showing that he earned \$ [REDACTED] and \$ [REDACTED]
6. Petitioner earns \$ [REDACTED] in monthly employment income.
7. [REDACTED] earns \$ [REDACTED] in monthly employment income.
8. [REDACTED] receives \$ [REDACTED] in social security income.

### **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.

The household for a non-tax filer who is not claimed as a tax dependent, consists of the individual and, if living with the individual:

- Individual's spouse.
- The individual's natural, adopted and stepchildren under the age of 19 or under the age of 21 if a full-time student.
- If the individual is under the age of 19 (or under 21 if a full-time student), the group consists of individual's natural, adopted and stepparents and natural, adoptive and step siblings under the age of 19 (or under 21 if a full time student).

The household for an individual who is a tax dependent of someone else, consists of:

- The household of the tax filer claiming the individual as a tax dependent, except that the individual's group must be considered as non-filer/non-dependent if:
- The individual is not the spouse or a biological, adopted, or stepchild of the taxpayer claiming them; or

- The individual is under the age of 19 (or under 21 if a full-time student) and expects to be claimed by one parent as a tax dependent and are living with both parents but the parents do not expect to file a joint tax return; or
- The individual is under the age of 19 (or under 21 if a full-time student) and expects to be claimed as a tax dependent by a non-custodial parent,
- The individual's group consists of the parent who has a court order or binding separation, divorce, or custody agreement establishing physical custody controls, or BEM 211
- If there is no such order or agreement or in the event of a shared custody agreement, the custodial parent is the parent with whom the child spends most nights. BEM 211

### **Standard Monthly Amount**

A standard monthly amount must be determined for each income source used in the budget. Stable and Fluctuating Income Convert stable and fluctuating income that is received more often than monthly to a standard monthly amount. Use one of the following methods:

- Multiply weekly income by 4.3.
- Multiply amounts received every two weeks by 2.15.
- Add amounts received twice a month. This conversion takes into account fluctuations due to the number of scheduled pays in a month. BEM 505

### **Income Eligibility**

Income eligibility exists when net income does not exceed the Group 2 needs in BEM 544. Apply the MA policies in BEM 500, 530, 540 (for children) or 541 (for adults), and 544 to determine net income. If the net income exceeds Group 2 needs, MA eligibility is still possible per BEM 545.

With regard to the approval of MA-G2S and deductible amount calculation for the group size of three which includes Petitioner, [REDACTED] and [REDACTED], the Petitioner's earned income is \$[REDACTED] [REDACTED] earned income is \$[REDACTED] per month and [REDACTED] receives \$[REDACTED] in social security income. After deducting the \$547 protected income level that leaves \$7,028, 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.

Petitioner raised issues with regard to whether their adult children who reside with them should be included in the MA group. The adult children are over the age of 21 and therefore are not included in the MA group. BEM 211

Petitioner raised issues with regard to whether Petitioner's income was calculated correctly. Petitioner provided two pay stubs showing that he earned \$[REDACTED] and \$[REDACTED]. If you average those two checks and then multiply by 2.15, the result is \$[REDACTED]. This was the monthly income attributed to the Petitioner by the Department and it was consistent with Department policy. BEM 505

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 benefit 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-Kent-Hearings  
BSC3-HearingDecisions  
EQADHearings  
M. Schaefer  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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