



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: October 2, 2024
MOAHR Docket No.: 24-007712
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 August 19, 2024. Petitioner was present at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Kienda Ivy, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) 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. Petitioner was an ongoing MA recipient under the AD-Care program.
2. Petitioner is married and disabled.
3. Petitioner has unearned income in the form of Retirement, Survivors, and Disability Insurance (RSDI) benefit payments in the gross amount of [REDACTED] per month and a monthly pension payment of [REDACTED] per month. Petitioner's monthly unearned income together total [REDACTED] per month.
4. On April 4, 2024, following review of Petitioner's MA eligibility, the Department sent a Health Care Coverage Determination Notice (HCCDN) to Petitioner informing him that he was approved for MA coverage subject to a \$1,263 monthly deductible effective May 1, 2024 ongoing. (Exhibit A, pp. 9-14).

5. On June 25, 2024, the Department received a request for hearing from Petitioner disputing the Department's determination regarding his MA coverage. (Exhibit A, pp. 4-6).

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.

In this case, the Department concluded that Petitioner was eligible for MA coverage under the Group 2 Aged, Blind, and Disabled (G2S) with a monthly deductible program of \$1,263. Petitioner disputed the Department's determination of his eligibility for MA coverage. Petitioner previously had coverage under the AD-Care program.

MA is available (i) under SSI-related categories to individuals who are aged (65 or older), blind or disabled, (ii) to individuals who are under age 19, parents or caretakers of children, or pregnant or recently pregnant women, (iii) to individuals who meet the eligibility criteria for Healthy Michigan Plan (HMP) coverage, and (iv) to individuals who meet the eligibility criteria for Plan First Family Planning (PFFP) coverage. 42 CFR 435.911; 42 CFR 435.100 to 435.172; BEM 105 (January 2024), p. 1; BEM 137 (January 2024), p. 1; BEM 124 (July 2023), p. 1. Under federal law, an individual eligible under more than one MA category must have eligibility determined for the category selected and is entitled to the most beneficial coverage available, which is the one that results in eligibility and the least amount of excess income or the lowest cost share. BEM 105, p. 2; 42 CFR 435.404.

Because Petitioner was over age 65 and there was no evidence that Petitioner was the parent or caretaker of a minor child, Petitioner was eligible for MA only under an SSI-related category. In determining the SSI-related MA category Petitioner is eligible for, the Department must determine Petitioner's MA fiscal group size and net income. As a married individual, Petitioner has fiscal group size of two for SSI-related MA purposes. BEM 211 (October 2023), p. 8.

The Department testified that it determined Petitioner's net income to be [REDACTED] which is the sum of Petitioner's gross unearned RSDI of [REDACTED] and pension income of [REDACTED]

reduced by a \$20 disregard. Exhibit A, p. 8. This calculation is in accordance with policy. BEM 530 (April 2020), p. 2; BEM 541 (January 2024), p. 3. While there are additional deductions in calculating net income for employment income and guardianship and/or conservator expenses, such factors were not applicable in this case. See BEM 541, pp. 1-6. Petitioner did not dispute the Department's testimony concerning his RSDI and pension income. The Department properly determined Petitioner's net income to be [REDACTED]

Based on Petitioner's disability, Petitioner is potentially eligible to receive MA benefits through AD-Care. AD-Care is an SSI-related full-coverage MA program. BEM 163 (July 2017), p. 1. As previously noted, Petitioner is married and has a fiscal group size for SSI-related MA benefits of two. BEM 211, p. 8. Income eligibility for AD-Care exists when countable income does not exceed the income limit for the program. BEM 163, p. 2. The income limit for AD-Care for a two-person MA fiscal group is \$1,723.50. RFT 242 (April 2024), p. 1. Because Petitioner's monthly household income of [REDACTED] exceeds the AD-Care limit, the Department properly determined Petitioner to be ineligible for full-coverage MA benefits under AD-Care.

Although Petitioner is ineligible for MA under the full coverage AD-Care category due to excess income, Petitioner may still receive benefits subject to a monthly deductible through the G2S category. BEM 166 (April 2017) p. 1. The deductible is the amount that a client's net income (less any allowable needs deductions) exceeds the applicable Group 2 MA protected income levels (PIL). BEM 530, p. 2; BEM 541, p. 3. The PIL is a set amount identified in policy based on the client's MA fiscal group size and county of residence. BEM 541; BEM 544 (January 2020), p. 1; RFT 240 (December 2013), p. 1; RFT 200 (April 2017), p. 2. Because Petitioner has an MA fiscal group size of two and lived in [REDACTED] County at the time the deductible was calculated, Petitioner's PIL as determined in April 2024 was [REDACTED] RFT 200, p. 2; RFT 240, p. 1. Thus, Petitioner is eligible for MA assistance under the deductible program, with the deductible equal to the amount of the monthly net income, less allowable deductions and the [REDACTED] PIL (while Petitioner resided in Oakland County). BEM 545 (July 2022), pp. 2-3.

In determining the monthly deductible, net income is reduced by allowable needs deductions, consisting of health insurance premiums (which includes Medicare premiums paid by the household), remedial services for individuals in adult foster care home or home for the aged, and cost of living adjustments (COLA) (for January through March only). BEM 544, pp. 1-3; BEM 163, p. 2.

In this case, Petitioner does not reside in an adult foster care home or home for the aged and, as such, is not eligible for any remedial service allowances. Petitioner pays out of pocket costs for his Medicare Part B premiums in the amount of \$174.70. (Exhibit A, p. 8). The COLA exclusion only applies for January through March and is not applicable here because coverage begins May 1, 2024.

Petitioner's net income of [REDACTED] reduced by the \$174.70 insurance premiums deduction and [REDACTED] PIL results in an excess income of [REDACTED]. Therefore, the Department acted in

accordance with policy when it determined Petitioner was eligible for G2S MA benefits subject to a monthly deductible of \$1,263.

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 that Petitioner was eligible for MA coverage under G2S with a monthly deductible.

DECISION AND ORDER

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

LC/ml


L. Alisyn Crawford
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:

DHHS

Yvonne Hill

Oakland County DHHS Madison Heights Dist.

30755 Montpelier Drive

Madison Heights, MI 48071

MDHHS-Oakland-DistrictII-Hearings@michigan.gov

Interested Parties

BSC4

M Schaefer

EQAD

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]