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GOVERNOR

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

Date Mailed: December 5, 2024
MOAHR Docket No.: 24-011946
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via Microsoft Teams on November 27, 2024. Petitioner participated and was unrepresented. ██████████ ██████████ Petitioner’s spouse, (hereinafter, “Spouse”), testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Jamila Goods, specialist.

ISSUE

The issue is whether MDHHS properly determined Spouse’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. On ██████████ ██████████ 2024, Petitioner applied for MA benefits for himself and Spouse. Petitioner reported that Spouse was between 21-65 years old, had no tax dependents, was not a caretaker to a minor child, not disabled, and not pregnant.
2. As of September 2024, Petitioner received gross monthly Retirement, Survivors and Disability Insurance (RSDI) of no less than \$2,860.
3. On September 3, 2024, MDHHS determined Spouse to be eligible only for the limited coverage MA category of Plan First beginning September 2024.

4. On October 22, 2024, Spouse requested a hearing to dispute MA eligibility.

CONCLUSIONS OF LAW

The 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. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Spouse requested a hearing to dispute a determination of Medicaid eligibility for herself.¹ Exhibit A, pp. 3-5. A Health Care Coverage Determination Notice dated September 3, 2024, stated that Spouse was eligible for the limited coverage MA category of Plan First beginning September 2024.² Exhibit A, pp. 7-10.

Medicaid is also known as MA. BEM 105 (October 2023) p. 1. The MA program includes several sub-programs or categories. *Id.* To receive MA under a Supplemental Security Income (SSI)-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Medicaid eligibility for children under 19, parents or caretakers of children, pregnant or recently pregnant women, former foster children, MOMS, MICHild and Healthy Michigan Plan is based on Modified Adjusted Gross Income (MAGI) methodology.³ *Id.*

Persons may qualify under more than one MA category. *Id.*, p. 2. Federal law gives them the right to the most beneficial category. *Id.* The most beneficial category is the one that results in eligibility, the least amount of excess income or the lowest cost share. *Id.*

Petitioner and Spouse applied for MA benefits on [REDACTED] 2024. Exhibit A, pp. 11-19. Spouse reported being the following: not disabled, having no tax dependents, being married, being between 21-65 years old, not pregnant, and not being a caretaker to a minor child. As a non-disabled person aged 21-65 years, Spouse is potentially eligible only for the MA category of HMP. MDHHS testified that Spouse was ineligible for HMP due to excess income.

¹ Based on statements by MDHHS. Petitioner testified that he is content with his MA eligibility and the hearing need only address Spouse's MA eligibility. Petitioner should be aware that written notice indicated that he is limited to Plan First eligibility and that Medicare Savings Program eligibility has ended.

² Plan First is a MAGI-related limited-coverage MA category available to any United States citizen or individual with a qualified immigration status. BEM 124 (July 2023) p. 1. Plan First coverage is a "limited-coverage" because it only covers family planning services such as birth control (see form DCH-2840-MSA).

³ Eligibility factors for all MA categories are found in the Bridges Eligibility Manual from BEM 105 through BEM 174.

MAGI-based income means income calculated using the same financial methodologies used to determine modified adjusted gross income as defined in section 36B(d)(2)(B) of the Code.⁴ 42 CFR 435.603(e). For individuals who have been determined financially-eligible for Medicaid using the MAGI-based methods set forth in this section, a State may elect in its State plan to base financial eligibility either on current monthly household income and family size or income based on projected annual household income and family size for the remainder of the current calendar year. 42 CFR 435.603(h). MDHHS has chosen to determine HMP eligibility based on current monthly income.⁵

Modified adjusted gross income can be defined as a household's adjusted gross income with any tax-exempt interest income and certain deductions added back.⁶ Common deductions and disregards which should be factored in determining a person's adjusted gross income include alimony payments, unreimbursed business expenses, Health Savings Account (e.g., 401k) payments, and student loan interest.⁷

Group composition for MAGI-related categories follows tax filer and tax dependent rules. BEM 211 (October 2023) p. 1. The household for a tax filer who is not claimed as a tax dependent, consists of: the tax filer, the tax filer's spouse, and tax dependents. *Id.*, p. 2. The evidence supported that Spouse was a married tax filer with no tax dependents. Under the circumstances, Spouse's MAGI-related MA group size is two.

In determining MA eligibility, MDHHS factored gross monthly RSDI of \$2,860 for Petitioner. Exhibit A, p. 1. It was not disputed that Petitioner had no less than \$2,860 in gross monthly RSDI.⁸ Multiplying the income by 12 results in an annual income of \$34,320.00. There was no evidence of MAGI disregards or deductions.

HMP income limits are based on 133% of the federal poverty level (FPL). RFT 246 (April 2014) p. 1. Also, MDHHS applies a 5% disregard to the income limit when the disregard is the difference between eligibility and non-eligibility. BEM 500 (July 2017) p. 5. Thus, HMP income limits are functionally 138% of the FPL. The 2024 FPL for a 2-person group residing in Michigan is \$20,440.00.⁹ Multiplying the FPL by 1.38 results in an income limit of \$28,207.20. Spouse's benefit group's MAGI (\$34,320.00) exceeds the HMP income limit. Presumably, Spouse's group's income is within the income guidelines to receive the limited coverage MA category of Plan First.¹⁰ Given the evidence, MDHHS properly determined Spouse to be eligible for Plan First beginning September 2024.

⁴ Income exceptions are made for lump-sums which are counted as income only in the month received; scholarships, awards, or fellowship grants used for education purposes and not for living expenses; and various exceptions for American Indians and Alaska natives. No known exceptions are applicable to the present case.

⁵ https://www.michigan.gov/documents/mdhhs/SPA_17-0100_Approved_638230_7.pdf

⁶ <https://www.investopedia.com/terms/a/agi.asp>.

⁷ *Id.*

⁸ During the hearing, MDHHS testified Petitioner's actual gross monthly RSDI was \$2,932.

⁹ <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

¹⁰ The Plan First income limit is 195% of the FPL. BEM 124 (July 2023) p. 2.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly determined Spouse to be eligible only for the limited-coverage MA category of Plan First beginning September 2024. The actions of MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
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Interested Parties

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Authorized Hearing Rep.

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