



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

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DIRECTOR

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Date Mailed: January 17, 2025
MOAHR Docket No.: 24-013518
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On December 6, 2024, Petitioner, ██████████, requested a hearing to dispute a Medical Assistance (MA) determination. As a result, a hearing was scheduled to be held on January 16, 2025, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Karen Smalls, Assistance Payments Supervisor, appear as its representative.

A 22-page packet of documents provided by the Department was admitted collectively as the Department’s Exhibit A.

ISSUE

Did the Department properly determine Petitioner’s MA eligibility beginning November 1, 2024?

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 received full-coverage MA through the Healthy Michigan Plan (HMP).
2. On ██████████ 2024, Petitioner submitted a renew benefits form to the Department to renew Petitioner’s eligibility for MA. In the renew benefits form, Petitioner reported the following pertinent information:
 - a. Petitioner has a household size of 3;
 - b. Petitioner is ██████ years old;
 - c. Petitioner had new employment at ██████████ and submitted paycheck stubs to verify this employment.

3. The Department determined that Petitioner earned an average income of \$ [REDACTED] from Petitioner's employment at [REDACTED]
4. The Department determined that Petitioner's annual household income exceeded the limit to be eligible for full-coverage MA through the HMP.
5. On October 3, 2024, the Department mailed a health care coverage determination notice to Petitioner to notify Petitioner that Petitioner was only eligible for MA-Plan First effective November 1, 2024.
6. On December 6, 2024, Petitioner requested a hearing to dispute the Department's determination.

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 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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Here, the Department determined that Petitioner was only eligible for MA-Plan First coverage. Petitioner disputes the Department's determination as Petitioner's expenses exceed Petitioner's income. Therefore, Petitioner argued that Petitioner should continue to be eligible for full coverage MA.

Persons may qualify for MA under more than one category. Federal law requires them the right to the most beneficial category or the one that results in eligibility with the least amount of excess income or the lowest cost share.

In this case, the Department failed to show how Petitioner's income was budgeted and meet its burden of going forward and establishing that Petitioner was not eligible for MA under a more beneficial category.

DECISION AND ORDER

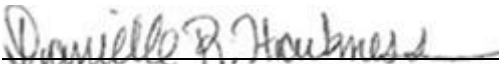
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with its policies and the applicable law when it determined Petitioner's MA eligibility beginning November 1, 2024.

IT IS ORDERED the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE THE ORDER WAS ISSUED:

1. Re-determine Petitioner's eligibility for MA benefits beginning November 1, 2024, in accordance with Department policy.

DH/pt


Danielle R. Harkness
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

Tracey Jones
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033

MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail:

Petitioner

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