



Date Mailed: December 18, 2025
Docket No.: 25-033481
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED] MI [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Docket No.: 25-033481

Case No.: [REDACTED]

Petitioner: [REDACTED]

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 by telephone commenced on October 9, 2025, and was completed on November 19, 2025. Petitioner was represented by their Authorized Hearing Representative (AHR) and wife, [REDACTED] (Spouse). The Department of Health and Human Services (Department) was represented by JoAnne Rivera, Assistance Payments Supervisor.

The Department's 7-page hearing packet was entered into evidence as Petitioner's Exhibit 1. On stipulation of the parties, 109 pages of additional documents provided to the Department by Spouse, were submitted after the hearing concluded and were entered into evidence as Petitioner's Exhibit 2.

ISSUE

Did the Department properly determine Petitioner's Medicaid (MA) Patient Pay Amount (PPA) effective October 1, 2025?

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 is over the age of [REDACTED], married, and resides in a long-term care (LTC) facility.
1. Spouse does not reside in a LTC facility.
2. Petitioner receives Retirement, Survivors, and Disability Insurance (RSDI) income in the amount of \$ [REDACTED] per month and pension income in the amount of \$ [REDACTED] per month, for total income of \$ [REDACTED]. (Exhibit 1, p. 5).
3. Spouse receives RSDI income and Medicare Part B premiums are withheld from her RSDI income by the Social Security Administration (SSA).
4. From at least April 1st, 2025 until September 30th, 2025, Petitioner was approved for MA subject to a PPA of \$73 per month.

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5. On August 27, 2025, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) that notified Petitioner that effective October 1, 2025, he was approved for MA subject to a PPA of \$553 per month.
 6. On September 8, 2025, the Department received a signed Intent to Contribute Income from Petitioner which indicated he elected to make the entire amount of the Community Spouse Income Allowance (CSIA) available to Spouse. (Exhibit 1, p. 4).
 7. On September 15, 2025, the Department received a request for hearing from Spouse, disputing the Department's determination of Petitioner's PPA. (Exhibit 1, p. 3).

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.

Spouse requested a hearing to dispute the amount of Petitioner's PPA. The Department approved Petitioner for full coverage MA subject to a monthly PPA of \$553 effective October 1, 2025.

A PPA is the client's share of the cost of long-term care or hospital services (L/H) and is the client's total countable income minus total need. BEM 546 (October 2025), p. 1; Bridges Policy Glossary (BPG) (June 2024), p. 39. For purposes of PPA, the client's gross amount of RSDI and pension income is countable unearned income. BEM 503 (October 2025), pp. 30 – 31; BEM 546, p. 2. For purposes of PPA, needs are limited to the following deductions:

- a. Patient allowance of \$60 for clients who will be in L/H for the full L/H month or \$90 for certain veterans,
- b. Home maintenance disregard for clients who will be in L/H less than six months,
- c. A CSIA for married clients whose spouse is not in L/H,

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- d. Family allowance for married clients whose spouse has certain dependents living with them,
 - e. Children's allowance for clients without a community spouse who have unmarried children at home, subject to certain restrictions,
 - f. Health insurance premiums paid by the client for another member of their fiscal group, and
 - g. Guardianship/conservator expenses paid by the client for the client's court appointed guardian or conservator.

BEM 546, pp. 3 – 9.

The CSIA is the maximum income a L/H patient may divert to meet the needs of the community spouse, up to \$3,948 per month. BEM 546, pp. 4 – 6. The CSIA is the total allowance (TA), calculated in accordance with BEM 546, or \$3948, whichever is less, minus the community spouse's countable income. BEM 546, pp. 4 – 6. However, the client may choose to contribute less to the community spouse. BEM 546, pp. 4 – 7.

The Department testified that Petitioner's PPA increased effective October 1, 2025, based on a change in the CSIA amount due to a change in policy. The Department testified that it determined Petitioner's new PPA based on:

- a. Petitioner's total gross income of RSDI of \$ [REDACTED] and gross pension income of \$ [REDACTED],
- b. Minus a patient allowance of \$60, and
- c. Minus a CSIA of \$2,341.

The Department testified that its calculation resulted in a remaining amount of \$553, which became the PPA.

However, the evidence established that although Petitioner intended to make the entire CSIA available to Spouse each month, the difference between the maximum TA and Spouse's budgeted countable income was more than the CSIA applied by the Department when it determined Petitioner's PPA. (Exhibit A, pp. 4, 6). The Department did not explain the discrepancy between the evidence and its testimony. Therefore, the Department failed to establish that it acted in accordance with Department policy when it determined Petitioner's PPA.

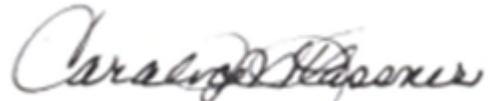
DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's PPA was \$553 per month effective October 1, 2025.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Recalculate Petitioner's PPA effective October 1, 2025;
2. Provide Petitioner with any MA coverage under the most beneficial category that he was eligible to receive but did not effective October 1, 2025, ongoing;
3. If Petitioner is eligible for a decreased PPA, pay the LTC facility for additional LTC benefits Petitioner was eligible to receive as a result of the recalculated PPA or reimburse Petitioner for any payments he made to the LTC facility in excess of the recalculated PPA, as applicable; and
4. Notify Petitioner of its decision in writing.



CARALYCE M. LASSNER
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.



Via Electronic Mail:

Respondent

OAKLAND COUNTY DHHS - SOUTHFIELD DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033

MDHHS-OAKLAND-6303-HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Authorized Hearing Rep

[REDACTED]
[REDACTED]
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Petitioner

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