

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-27249
Issue No: 2014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2009
Cheboygan County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on August 12, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Medical Assistance (MA) case for her two children due to excess income?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant's two children were ongoing recipients of Medical Assistance (MA) benefits.
- (2) On July 11, 2008, Claimant reported additional income for the family. A new financial eligibility budget was run for the children using the newly reported income.

The budget showed that the children were no longer eligible for Medical Assistance (MA). Claimant was sent notice of the determination.

(3) On July 28, 2008, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Claimant does not dispute the dollar amounts of income used in the financial eligibility budget. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

PEM 131 OTHER HEALTHY KIDS

DEPARTMENT POLICY

MA Only

Other Healthy Kids is a FIP-related Group 1 MA category. MA is available to a person who is under age 19 when net income does not exceed 150% of the poverty level. A person age 16-18 years old with net income between 101-150% of the poverty level is a Healthy Kids Expansion (HKE) recipient. All eligibility factors must be met in the calendar month being tested.

NONFINANCIAL ELIGIBILITY FACTORS

The person must be under age 19. The MA eligibility factors in the following items must be met.

- PEM 220, Residence.
- PEM 221, Identity.
- PEM 223, Social Security Numbers.
- PEM 225, Citizenship/Alien Status.
- PEM 255, Child Support.

- PEM 257, Third Party Resource Liability.
- PEM 265, Institutional Status.
- PEM 270, Pursuit of Benefits.

FINANCIAL ELIGIBILITY FACTORS

Groups

Use the fiscal group policies for FIP-related groups in PEM 211.

Assets There is no asset test.

Divestment Policy in PEM 405 applies because income can be divested.

Income Eligibility Income eligibility exists when net income does not exceed 150% of the poverty level. The income limit is in RFT 246.

Apply MA policies in PEM 500, 531, and 536 to determine net income.

In this case, Claimant's family had a net income of \$2722. The income limit for the program (150% of the poverty level) is \$2200. Claimant's children are no longer eligible for the program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Medical Assistance (MA) case for her two children due to excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 12, 2009

Date Mailed: October 21, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

GFH [REDACTED]

cc:

[REDACTED]