

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: 2009-11837

Issue No: 2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 10, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 three-way telephone hearing was held on Thursday, December 10, 2009. The claimant testified on her own behalf.

ISSUE

Did the department properly cancel the claimant's Medical Assistance (MA) benefits based upon its determination that the claimant had 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) The claimant's household was a recipient of MA benefits with a medical review required December 2008.

(2) On December 5, 2008, the department caseworker received the claimant's case review application.

(3) The claimant submitted check stubs of \$750 gross income dated November 21, 2008, \$568.68 dated November 14, 2008, and \$622 dated November 7, 2008 with a note stating that the November 21, 2008 pay stub was the last pay stub received to date. (Department Exhibit B-C)

(4) The claimant paid child support in the amount of \$502.40 in September 2008, \$403.20 in October 2008, and \$403.20 in November 2008. (Department Exhibit A)

(5) On December 8, 2008, the department caseworker calculated the claimant's continued eligibility for MA benefits and determined that the claimant had excess income based on:

- The claimant had earned income of \$2,485.
- The claimant qualified for a \$90 work expense deduction, resulting in net earned income of \$2,395.
- The claimant paid \$403 a month in child support, resulting in a net income of \$1,992.
- The claimant had a net income of \$1,992 minus the \$406 prorated share for a net income of \$1,583.
- The claimant was determined to have a monthly excess income of \$1,067, resulting from the net income of \$1,583 minus the total need of \$516.

(6) Since the claimant was missing a check for November 28, 2008 or December 5, 2008, the department caseworker used the lowest amount which was the \$556.68 received on November 14, 2008 twice. However, there is a note that the claimant was no longer employed.

(7) On December 10, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(8) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to send out a Verification Checklist dated December 11, 2009 that the claimant is required to return by December 21, 2009 to provide written verification that the claimant only received three checks, not four, in November 2008, then the department will redetermine the claimant's eligibility for MA.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to send out a Verification Checklist dated December 11, 2009 that the claimant is required to return by December 21, 2009 to provide written verification that the claimant only received three checks, not four, in November 2008, then the department will redetermine the claimant's eligibility for MA. If the claimant does agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the parties have reached an agreed upon settlement.

The department is ordered to send the claimant a Verification Checklist dated December 11, 2009 to be returned by December 21, 2009 to provide written verification that there was no additional income received, that there were only three checks, not four, for the contested time period, so that the department can redetermine eligibility for MA benefits, if it has not already done so.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 12, 2010

Date Mailed: January 12, 2010

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.

CGF/vmc

cc:

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