

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: 2009-17102
Issue No: 2026
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 13, 2009
Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 telephone hearing was held on October 13, 2009.

ISSUE

Is claimant now satisfied with the department's action?

FINDINGS OF FACT

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

- (1) Prior to the negative action herein, claimant and her family had an active MA case.
- (2) At redetermination in January, 2009, the DHS budgeted claimant's income which was not previously budgeted. Unrefuted evidence on the record is that the budget showed a deductible of \$535 per month.

(3) On 1/28/09, the DHS issued notice to claimant informing claimant that the active MA case would switch to a deductible effective 2/10/09.

(4) On 2/17/09, claimant filed a timely hearing request.

(5) Pursuant to a request by claimant to have a subsequent review due to fluctuating income, claimant's MA deductible was changed to \$211 per month effective March, 2009.

(6) Claimant no longer disputes the DHS calculation or the actions taken by the DHS herein.

(7) On 9/23/09, SOAHR scheduled a telephone conference hearing for 10/13/09. At the administrative hearing, claimant desired to proceed forward despite no substantive issue to review.

(8) There was no change in claimant's Medicaid coverage under the Healthy Kids Program.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Authority found in PEM Item 500 requires the department to calculate the gross income received by an individual in determining MA eligibility. Budgeting policy is found in BEM Item 545.

As claimant desired to proceed with a substantive review at the administrative hearing, this Administrative Law Judge has reviewed the record and the evidence herein. This Administrative Law Judge finds that the department correctly determined that claimant was on an

MA deductible beginning in February, 2009. As already noted, due to fluctuating income, claimant had a reassessment completed and had his deductible lower to \$211 per month effective March, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's actions are hereby UPHELD.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2009

Date Mailed: October 20, 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 mailing date of the rehearing decision.

JS/cv

cc:

