

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-23888

Issue No.: 2026

Case No.:

Load No.:

Hearing Date:

January 19, 2010

Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on January 19, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly figure his/her Medical Assistance (MA) deductible?

FINDINGS OF FACT

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

1. On January 6, 2009, the department notified the claimant that her MA was to have a deductible of \$868.00 per month based on her unearned income of \$1,326.00 per month. (Department exhibit 1-6).
2. On March 16, 2009, the claimant stated that her unemployment income had stopped on March 9, 2009. (Department exhibit)

3. On April 22, 2009, the Department received documentation of the claimant's unemployment benefits, which showed benefits continuing beyond March 9, 2009. (Department exhibit 10).
4. On April 13, 2009, the Claimant filed a request for a 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 (formerly known as the Family Independence Agency) 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 instant case, the Claimant questions the Department's calculation of her MA.

The undersigned has reviewed the MA budget and found it to be correct. The Claimant's unearned income is \$1,326.00; a \$20.00 standard exclusion and a protected income limit of \$408.00 equals an \$898.00 deductible.

The protected income level (PIL) is a set allowance for non-medical need items such as shelter, food and incidental expenses.

PRT 240 lists the Group 2 MA PILs based on shelter area and fiscal group size. (PEM 544, p. 1)

And:

The claimant lives in area IV and the protected income level is \$408.00. (RFT 240, p.1).

This ALJ sympathizes with the claimant but there is nothing that can be done to change the above equation.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/03/2010

Date Mailed: 3/03/2010

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 receipt 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.

MJB/jlg

cc:

