

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: 2009-26690

Issue No: 2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 13, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine claimant's application for Medical Assistance (MA) based upon it's determination that 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) On February 4, 2009, claimant applied for Medicaid Assistance under the Healthy Kids Program.

(2) Claimant was married and pregnant.

(3) The income considered for application was unemployment compensation benefits for claimant in the amount of \$ [REDACTED] bi-weekly and for her husband [REDACTED] in the amount of \$ [REDACTED] bi-weekly.

(4) On March 4, 2009, the department caseworker sent claimant notice that her application was denied.

(5) On April 30, 2009, claimant filed a request for a hearing to contest the department's negative action.

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).

Healthy Kids for pregnant women is an FIP related group 1 MA category. MA is available to a woman while she is pregnant, the months of pregnancy and during the 2 calendar months following the month the pregnancy ends regardless of the reason. Once eligible per HKP, a woman remains eligible until the end of her 2 month post partum period unless she moves out of state or dies. All eligible factors in this item must be met. Her fiscal groups' net income cannot exceed 185% of the poverty level. All non-fiscal eligibility factors must be met in the calendar month being tested. Presumptive eligibility is determined based on income reported at the time of application. Presumptive eligibility will be determined for a pregnant woman whose HKP application is filed online by a trained qualified entity. BEM, Item 125, p. 1.

Department caseworkers are required to use the fiscal group policy for FIP related groups in BEM 211 and there is no asset test. Income eligibility exists when net income does not exceed 185% of the poverty level. The income limit is in RFT 246. BEM, Item 125, p. 2.

In the instant case, the department generated a budget and determined that 185% limit for Healthy Kids income comes to \$2,714 pursuant to RFT 246. Claimant's income was \$ [REDACTED] bi-weekly which is \$ [REDACTED] per month and claimant's husband's income was [REDACTED] bi-weekly which equals [REDACTED] which when added together equals [REDACTED]. This Administrative Law Judge finds that the department has established by the necessary competent, material and substantial evidence on the record that claimant and her husband possessed excess income because their income exceed the 185% limit amount of \$2714 for a two person fiscal group in claimant's circumstances. The department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's application for excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant was not eligible to receive medicaid benefits under the Healthy Kids Program based upon it's determination that claimant had excess income pursuant to RFT 246.

Accordingly, the department's decision is AFFIRMED.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director

Department of Human Services

Date Signed: May 11, 2010

Date Mailed: May 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.

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