

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: 2009-27153

Issue No: 2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 12, 2009

St. Clair 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 an evidentiary hearing was held on November 12, 2009.

ISSUE

Did the Department of Human Services (DHS) properly change claimant's full Medicaid (MA) to a deductible, effective 2/18/09, due to 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) At all relevant times prior to the negative action herein, claimant was on a full Medicaid case without a deductible.

(2) In January, 2009, the department reviewed claimant's case. At that time, the department determined that claimant's income included both earned income and RSDI.

(3) Unrefuted evidence on the record is that claimant's RSDI is [REDACTED] per month. Exhibit 3. Claimant's average earned income is [REDACTED] per month. See Exhibits 6, 9 and 10.

(4) On 2/4/09, the DHS issued notice that effective 2/18/09 claimant's MA will change to a deductible.

(5) On 4/3/09, claimant filed a hearing request. The action took place.

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).

Applicable policy and procedure to the case herein is found in BEM, Items 500 to 545; BAM, Item 115; BEM, Item 125.

In this case, there is no dispute with regards to the amount of income, both earned and unearned, used in calculating claimant's eligibility. A review of that income under applicable policy and procedure for the MA budget shows that the department correctly calculated the income and that claimant is correctly on a deductible case.

The purview of an Administrative Law Judge is to make a determination of whether or not the department correctly applied its policy and procedure. This Administrative Law Judge finds that the department did correctly apply the policy and procedure and that it is not incorrect or contrary to law and thus, the department's change of claimant's MA case to a deductible was correct and is hereby upheld.

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 change of claimant's MA to a deductible is hereby UPHELD.

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

Date Signed: November 24, 2009

Date Mailed: November 24, 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:

