

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: 2009-37045

Issue No. 2018

Case No:

[REDACTED]

Load No:

[REDACTED]

Hearing Date:

October 15, 2009

Chippewa County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

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 conducted from [REDACTED] on October 15, 2009.

ISSUE

Whether the Department properly reduced Claimant's Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

- (1) Claimant was a MA recipient with full coverage MA - Freedom to Work (FTW).

(2) In May 2009, the Department processed Claimant's MA review and approved him for a MA deductible instead of full coverage MA - FTW due to excess net unearned income. (Exhibits 1-19, 34)

(3) Claimant receives [REDACTED] income in the amount of [REDACTED], [REDACTED] as of January 1, 2009. (Exhibits 20-22)

(4) On August 10, 2009, the Department received Claimant's hearing request protesting the reduction in his MA benefits. (Exhibits 31-33)

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 Bridges Reference Manual (BRM).

Income eligibility exists (for the FTW program) when the client's net unearned income does not exceed 100% of the Federal Poverty Level (FPL), which is:

- \$867 effective April 1, 2008
- \$903 effective April 1, 2009 BEM 174, p.2

In the instant case, I cannot answer the question of whether Claimant should or should not have been eligible for MA-FTW in past years. The issue before me is whether the Department made a proper MA eligibility determination in May of 2009. Given that Claimant's net unearned income exceeds the FPL, I find that the Department established that it acted in accordance with policy in reducing Claimant's MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in reducing Claimant's MA benefits.

Accordingly, the Department's MA eligibility determination is AFFIRMED, it is SO ORDERED.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 29, 2009

Date Mailed: October 30, 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 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.

SMB/db

cc:

