

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: 2009-5014
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 16, 2009
Oakland County DHS (03)

ADMINISTRATIVE LAW JUDGE: LAWRENCE E. HOLLENS

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 received by the Department on October 21, 2008. After due notice, a telephone hearing was conducted from Livonia, Michigan on July 16, 2009. The claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's medical savings program application?

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 August 15, 2008 a Medicare review was conducted by the Department.

- (2) On that date, the Department found income from the employment in the amount of \$198.45 as well as RSDI income of \$806.00 per month.
- (3) On August 15, 2008, the Department found that the claimant's income exceeded the limits for MSP.
- (4) On October 21, 2008, the claimant requested a hearing from the Department's notice of finding of excess income.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of Chapter 7 of the Public Health and Welfare Act, 33 USC 1397, and as administered by the Department of Human Services (DHS), formerly known as the Family Independence Agency, pursuant to MCLA 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 (PREM).

The Department indicated that the income limit under the Medicaid Savings Program was \$1,170.00 per month.

The claimant and the Department agreed that the amount of her income for employment and the RSDI payments she was receiving would have equaled \$1,180.00 or beyond the income limit provided by such program under the Department's published policies. Accordingly, the Department's Medical Savings Program denial is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of the claimant's Medicaid Savings Program application is upheld.

Accordingly, it is ordered the Department's denial of the Medicaid Savings Program application is AFFIRMED.

/s/

Lawrence Hollens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/18/09

Date Mailed: 08/18/09

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.

LH/kj

cc:

