

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: 2009-9332
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 30, 2009
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lawrence 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 31, 2008. After due notice, a telephone hearing was conducted from Pontiac, Michigan on July 30, 2009. The claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the claimant's spend down amount on his claim for medical assistance?

FINDINGS OF FACT

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

- (1) The claimant has not met the spend-down amount since October 31, 2007.

- (2) The claimant has not provided medical bills at any time following that date which would impact upon the spend-down amount.
- (3) The client believed that the spend-down amount did not incorporate items of his expenses such as rent, phone, transportation, over the counter medication, or food.

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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 page 5 Verification means that documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130 pg. 1

The Department establishes a spend-down amount based upon its procedures found in PAM 165. The spend-down amount that was established by the claimant was based upon its receipt of social security and VA benefits. The claimant did not dispute the amount of VA or social security benefits that he received.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's establishment of the spend-down amount is appropriately based upon their procedures and policies.

Accordingly, the Department's establishment of the spend-down amount is accurately reflected in the information provided to the client.

The client did not provide any indication that the spend-down amount was improperly calculated whether the factors utilized in establishing the spend-down amount were improper.

Accordingly, it is ordered that the Department's spend-down amount as established is **AFFIRMED**.

/s/

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

Date Signed: 09/09/09

Date Mailed: 09/09/09

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/kdj

cc:

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