

[REDACTED]

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.: 2009-1609

Issue No.: 2026

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 12, 2009

Oakland County DHS [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a hearing was held in Walled Lake, Michigan on March 12, 2009. The Claimant appeared and testified. [REDACTED] [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly determined the Claimant's Medical Assistance ("MA") deductible?

FINDINGS OF FACT

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

1. The Claimant moved from [REDACTED] to Michigan in June of 2008.
2. On July 21, 2008, the Claimant submitted a public assistance application seeking Medical and Food Assistance.

3. The Claimant receives RSDI income.
4. The Department completed a budget and determined that the Claimant was entitled to MA benefits provided that the Claimant meet a [REDACTED] monthly deductible.
5. The Department informed the Claimant of the MA deductible.
6. The Claimant submitted medical bills incurred in [REDACTED] from [REDACTED] through [REDACTED].
7. The Department timely completed a FAP budget and determined the Claimant's monthly allotment was [REDACTED].
8. The Department notified the Claimant of the FAP benefit amount.
9. On September 24, 2008, the Department received the Claimant's Request for Hearing protesting the FAP calculation and MA deductible.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

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, formally known as the Family Independence Agency,

administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the PAM, PEM, and PRM.

MA income eligibility exists for the calendar month tested when there is no excess income or allowable medical expenses that equal or exceed the excess income. PEM 545, p. 1 The fiscal group's monthly excess income is called a deductible amount. PEM 545, p. 9 Meeting a deductible means reporting and verifying allowable medical expenses that equal or exceed the deductible amount for the calendar month tested. *Id.*

A deductible is a process, which allows an individual with excess income to be eligible for MA, if sufficient allowable medical expenses are incurred. Each calendar month is a separate deductible period. The fiscal group's monthly excess income is called the deductible amount. Meeting a deductible means reporting and verifying allowable medical expenses that equal or exceed the deductible amount for the calendar month. The MA group must report expenses by the last day of the third month following the month it wants medical coverage.

In the record presented, the Claimant did not incur or report any allowable Michigan medical expenses. Ultimately, the Department established it acted in accordance with Department policy when it calculated the Claimant's MA deductible and notified the Claimant accordingly. Similarly, the Department established it correctly calculated the Claimant's FAP allotment. The Claimant agreed with the figures used but disagreed with the benefit amount. Under these facts, the Department's determinations are AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with department policy when it calculated the Claimant's FAP allotment and MA deductible.

Accordingly, it is ORDERED:

The Department's determinations are AFFIRMED.

/s/
Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/19/09

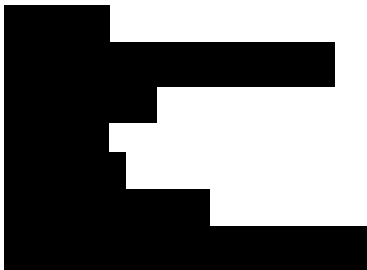
Date Mailed: 03/19/09

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 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.

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