

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: 2009-30942

Issue No: 2026

Case No:

Load No:

Hearing Date:

November 23, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 held on November 23, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly determine the Claimant's MA patient pay amount?

FINDINGS OF FACT

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

1. On March 19, 2009, the Department completed a new MA budget. The Department determined, based on the RSDI amount, the Claimant had excess income for MA and thus required a patient pay amount.
2. The Claimant filed a request for hearing.

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 (formerly known as the Family Independence Agency) 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).

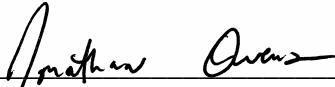
In the present case, the Department determined the Claimant had \$1795 in countable income and his spouse was allotted \$821.36 in spousal allowance. However, after testimony from the Claimant's spouse and son, it was discovered these amounts were inaccurate. The Claimant's witness indicated he was receiving income from 3 other countries such as Germany, France and Canada. The Department had budgeted, both, the SSA amount from the United States and Germany. However, the budget failed to list any amounts from Canada or France. In addition, the Department had incorrectly determined the Claimant's spouse earned income. The Department had used \$1210.81 for earned income when the Claimant's employer stated she grossed \$1050.

The Department incorrectly determined the amount of the patient pay obligation for the Claimant's case. The Department, as stated above, clearly had the wrong amounts in the budget in different areas.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's budget is not accurate and needs to be re-determined using the correct amounts.

Accordingly, the Department's decision is hereby REVERSED. The Department shall complete a new budget and advise the Claimant of the result.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/16/09

Date Mailed: 12/16/09

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.

JWO/dj

cc:

