

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: 2009-31868

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 5, 2010

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 May 5, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P)?

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 December 8, 2008, [REDACTED] filed an application for Medical Assistance for claimant and his pregnant wife. A Retroactive Medical Assistance application was also filed for September 2008, for claimant only for a hospital bill.

(2) On January 13, 2009, the department caseworker sent claimant notice that the application was denied.

(3) A hearing was request and then withdrawn pending the re-opening of the application request date of December 8, 2009, because of an incorrect denial.

(4) A 3503 and 3503c verification checklist was resent to claimant and [REDACTED] on March 12, 2009 with the information due on March 23, 2009.

(5) A 3503 verification checklist was sent again on March 20, 2009, with a request for additional information to be due on March 30, 2009.

(6) An extension was requested on March 30, 2009, for a new date of April 9, 2009.

(7) The requested information was received completed on April 9, 2009.

(8) The department caseworker ran a Low Income Family budget for the retroactive month of September 2008, for claimant's hospital bill, and claimant was found to be in excess income for a Low Income Family (LIF) program for September 2008.

(9) The worker could not run a caretaker relative budget for client for September 2008, for his hospital bill because as of that month, the child that claimant's wife was pregnant with had not yet been born.

(10) A budget was run for the month of application, December 2008 forward and it was determined that claimant was eligible for the Low Income Family program for December 2008 and ongoing.

(11) On April 10, 2009, the department caseworker notified claimant that he was eligible to receive Low Income Family Medicaid but his September 2008 retroactive application was denied.

(12) On July 7, 2007, [REDACTED] filed a request for a hearing to contest the department's negative action.

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 Program Reference Manual (PRM).

Medicaid is available to families that meet the non-financial and financial requirements of the Low Income Family Medicaid category. This is an FIP related Group 1 MA category. (BEM, Item 110, p. 1) For low income families a group is those related persons living together whose income and needs are used to determine the Low Income Family eligibility. A Low Income Family group may be composed of adults with no dependent child in the following situations:

- A pregnant woman.

A low income certified group may be composed of a pregnant woman even if there are no eligible children. Her husband living with her must be included in the group unless he is a LIF excluded person. BEM, Item 110.

A monthly income limit for 2 persons, for a Low Income Family is \$ [REDACTED]. The department ran a budget for claimant using income that he received from earnings. Claimant receives \$ [REDACTED] in monthly earned income. The department gave claimant \$ [REDACTED] in earned income disregards and claimant then had a net earned income \$ [REDACTED]. The Low Income Family limit is \$ [REDACTED]. RFT 243, p. 1.

The Administrative Law Judge finds that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant had excess income for purposes of the Low Income Family Medical Assistance benefits for the September 2008 retroactive Medical Assistance application. The department appropriately denied claimant's application.

The claimant's grievance centers on dissatisfaction with the department's current policy. The claimant's request is not within the scope of authority delegated to this Administrative Law Judge pursuant to a written directive signed by the Department of Human Services Director, which states:

Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. *Michigan Mutual Liability Co. v Baker*, 295 Mich 237; 294 NW 168 (1940).

This Administrative Law Judge has no equity powers and the department appropriately established that claimant had excess income for purposes of the Low Income Family Medicaid.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has appropriately established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant was not eligible to receive Medical Assistance under the Low Income Family category for the month of September 2008, because claimant had excess income. The department has established its case by a preponderance of the evidence.

Accordingly, the department's decision is AFFIRMED.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 23, 2010

Date Mailed: May 25, 2010

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.

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