

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.: 2009-36277

Issue No.: 2014

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

January 21, 2010

Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on January 21, 2010. The Claimant appeared personally and testified

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

1. On February 11, 2009, the claimant applied for MA for her son.

2. On June 9, 2009, the Department ran an MA budget showing the Claimant's income of \$4,441.00. (Department's exhibit8, pp.1-3).
3. On June 9, 2009, the department denied the claimant's application for MA.
4. On June 18, 2009, the Claimant filed a request for a 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).

The claimant applied for Healthy Kids MA on behalf of the son Scott Johnson. The income qualifications are spelled out in PEM 131.

MA is available to a person who is under age 19 when net income does not exceed 150% of the poverty level. A person age 16-18 years old with net income between 101-150% of the poverty level is a Healthy Kids Expansion (HKE) recipient. All eligibility factors must be met in the calendar month being tested. However, only certain eligibility factors apply before redetermination. If the month being tested is an L/H month and eligibility exists, go to PEM 546 to determine the post-eligibility patient-pay amount.

Here, the claimant's net income is \$4,764.00. The income test of 150% of the poverty level is \$1,750. The department was correct in denying the claimant's MA application.

At the hearing, application for the claimant's disabled son was discussed under the disability category and it was felt that this would be the proper avenue.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department decisions in this matter.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/4/2010

Date Mailed: 3/4/2010

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 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.

MJB/jlg

cc:

