

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.: 2009-36640

Issue No.: 2026

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 4, 2010

Wayne County DHS (43)

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 March 4, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly figure his/her 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. On April 30, 2009, the department placed the claimant in a MA spend down (deductible). The deductible currently is \$270.00 per month, based on an unearned countable income of \$645.00 and a group size of two.
2. On July 28, 2009, the Claimant filed a request for a hearing protesting the deductible amount placed on his MA.

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 instant case, the Claimant questions the Department's calculation of his MA.

The undersigned has reviewed the MA budget and found it to be correct. The claimant's unearned income is \$645.00 per month; protected incomes limit of \$500.00 equals a \$145.00 deductible.

The protected income level (PIL) is a set allowance for non-medical need items such as shelter, food and incidental expenses. PRT 240 lists the Group 1 MA PILs based on shelter area and fiscal group size. (PEM 544, p. 1)

And:

The claimant lives in area VI and the protected income level is \$500.00. (RFT 240, p.1).

This ALJ finds that the department erred when it used a group size of one rather than two in compiling the budget.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to recalculate the MA budget using the correct group size of two.



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

Date Signed: 4/8/2010

Date Mailed: 4/8/2010

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:

