

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: 2009-444

Issue No: 2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 2, 2009

Marquette County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's timely request for a hearing. After due notice, a three-way telephone conference hearing was held on June 2, 2009.

ISSUE

Did the Department of Human Services (DHS) properly propose to change claimant's active MA case to a spend-down due to the start of unemployment income?

FINDINGS OF FACT

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

(1) At all relevant times prior to the proposed negative action herein, claimant was a recipient of MA-LIF.

(2) On 9/4/08, the DHS office received an AFF hit notifying the local office that claimant began receiving unemployment compensation. Claimant had not reported the income. Verification indicated a bi-weekly amount of \$434 last paid based on the verification on 8/27/08. Exhibit 1.

(3) The DHS ran a new MA budget which showed that claimant's eligibility was an MA deductible case. Exhibits 7, 8, 9, 10.

(4) On 9/11/08, the DHS issued a 1605 notice to claimant informing her that her MA will be cancelled because claimant began receiving income and/or had an increase in income. There was no affect on the proposed negative action on claimant's son/dependent.

(5) On 9/18/08, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.

(6) Claimant continues to receive full and active MA as of the date of the administrative hearing. Claimant continues to receive unemployment compensation as of the date of the administrative hearing. Claimant is not working.

(7) Claimant did not dispute the facts on the record.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Applicable policy and procedure to the case herein is found in PEM Items 125-171; 530-545.

In order to be eligible for benefits, individuals must meet certain income and asset eligibility requirements as laid out in federal and/or state law.

In this case, claimant was previously eligible for MA-LIF. However, claimant began receiving unemployment which effected the household income. The MA budget shows claimant's deductible to be \$268 per month.

A review of the credible and substantial evidence on the whole record shows that the department correctly proposes to change claimant's MA-LIF case to a deductible case. As noted in the findings of fact, there is no effect on claimant's son's/dependent--he continues to receive active MA. As the department correctly proposes to change the category of the MA was correct, the department's proposed action must be upheld as it is correct under federal law, policy and procedure. Claimant has received benefits for over eight months, when her case should have been on a deductible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's proposed change of claimant's case from MA-LIF to a deductible was correct.

Accordingly, the department's proposed action is hereby UPHELD and the department may immediately take the action.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 26, 2009

Date Mailed: June 29, 2009

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 mailing date of the rehearing decision.

JS/cv

cc:

