

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: 2009-6153

Issue No: 2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 15, 2009

Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, October 15, 2009. The claimant personally appeared and testified on her own behalf.

ISSUE

Did the department properly cancel the claimant's Medical Assistance (MA) based upon its determination that the claimant had excess 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) Claimant was a recipient of MA benefits.

(2) On November 12, 2008, the department caseworker received an automatic find and fix hit on the claimant's husband stating that unemployment compensation started on November 4, 2008 with 20 weeks left.

(3) On November 12, 2008, the department caseworker did an unemployment application inquiry that showed that the claimant's husband was receiving \$313 per week. (Department Exhibit 2A-2C)

(4) On November 12, 2008, a Healthy Kids and Group 2 FIP-Related budget was run for the claimant's household based on a group size of four that showed that the claimant had excess income of \$326 resulting from a total need of \$500 minus the [REDACTED] net income. (Department Exhibit 6-9)

(5) On November 12, 2008, the department caseworker computed a low income family budget for the claimant's household of a group size of four with a net unearned income of [REDACTED], which was over the limit of \$626. (Department Exhibit 3-4)

(6) On November 12, 2008, the department caseworker sent the claimant a notice that the claimant no longer qualified for Medicaid or Healthy Kids effective November 25, 2008 because their countable income exceeded the limit. The claimant and her husband qualified for an active Medicaid deductible case of \$326 per month that they must meet in order to become Medicaid eligible. Healthy Kids will still continue for the children of the household. (Department Exhibit 11-12)

(7) On November 17, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(8) During the hearing, the claimant testified that she called her caseworker the next business day after her husband was laid off before Halloween.

(9) During the hearing, the department caseworker stated that she believed that the claimant was timely in reporting that her husband was laid off, but the income was not counted where the claimant's husband's earned income from his employment before had not been budgeted correctly.

(10) During the hearing, the department caseworker has agreed an error had occurred where the claimant should have been entitled to a year of transitional MA from May 2008, when the claimant's husband was employed instead of being switched in November 2008 to LIF because of employment. The claimant should have been eligible for TMA from May 2008 through May 2009.

(11) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to initiate a new TMA period for the claimant's household from July 2009 to June 2010.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to initiate a new TMA period for the claimant's household from July 2009 to June 2010. If the claimant does not agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is **ORDERED** to initiate a new TMA period from July 2009 to June 2010, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 17, 2009

Date Mailed: November 17, 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 receipt date of the rehearing decision.

CGF/vmc

cc: 