

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: 2009-9519
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 8, 2009
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: LAWRENCE HOLLENS

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 received by the Department on November 10, 2008. After due notice, a telephone hearing was conducted from Taylor, Michigan, on July 8, 2009. The claimant's spouse, [REDACTED], appeared and testified. [REDACTED], FIA Manager, appeared for the Department.

ISSUE

Whether the Department properly established the client's deductible amount at \$1266.00 on October 30, 2008?

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 had previously applied for medical assistance.

- (2) On October 30, 2008, the Department notified the claimant about a \$1266.00 change in the deductible amount due to a change in the SSI income adjustment effective October 1, 2008.
- (3) On November 10, 2008, the Department received a request for hearing regarding the deductible amount established by the Department.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of Chapter 7 of the Public Health and Welfare Act, 33 USC 1397, and as administered by the Department of Human Services (DHS), formerly known as the Family Independence Agency, pursuant to MCLA 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 (PREM).

The Department received notice from the Social Security Administration that the claimant had received an income adjustment effective October 1, 2008.

The claimant's spouse reviewed the amounts utilized by the Department in making the deductible amount adjustment. The Department numbers as well as the claimant's spouse reviewed those numbers and concluded that the numbers were accurate as reflected by the computerized program to calculate the deductible amount.

The claimant's spouse had no factual information to provide regarding any error or any information contained in that calculation that were not appropriate.

Under this scenario the claimant has failed to establish that the Department's adjustment to the deductible amount was improper. Accordingly, the Department's adjustment to the deductible amount is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department's actions to increase the income deductible amount on the claimant's Medical Assistance application is upheld.

Accordingly, it is ordered the Department's increase in the deductible amount is AFFIRMED.

/s/

LAWRENCE HOLLENS
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/18/09

Date Mailed: 08/18/09

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.

LEH/kj

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.