

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2010-11570
Issue No.: 2026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 14, 2010
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, July 14, 2010. The Claimant appeared, along with Debra Ehrmann, and testified. Jeffrey Robinson and Deaonna Mills appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Medical Assistance application?

FINDINGS OF FACT

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

1. The Claimant is a MA recipient.
2. The Claimant receives Retirement, Survivor's, Disability Insurance ("RSDI") benefits.
3. As a result of the income, the Claimant is required to meet a \$549.00 deductible.
4. The Department notified the Claimant of her eligibility and deductible amount.

5. On September 14th and September 25, 2009, the Department received the Claimant's written requests for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* MA income eligibility exists for the calendar month tested when there is no excess income or allowable medical expenses that equal or exceed the excess income. BEM 545 The fiscal group's monthly excess income is called a deductible amount. *Id.* Deductible is a process which allows a client with excess income to become eligible for Group 2 MA if sufficient allowable medical expenses are incurred. *Id.* Each calendar month is a separate deductible period. *Id.* The group must report expenses by the last day of the third month following the month it seeks MA coverage for. *Id.*

In this case, the Claimant's MA case required that a \$549.00 deductible be met. The Claimant testified credibly to bringing in medical expenses incurred which covered the deductible however some bills were not paid. During the hearing, it was explained to the Claimant that after she submits medical expenses to the Department to meet the deductible, the Department then activates MA coverage for that particular month. After coverage is activated, the Claimant was instructed to inform the medical provider of the activation and request that the medical bills be re-submitted for payment noting however that she was remained responsible for the deductible amount. Ultimately, the Department established it acted in accordance with Department policy when it notified the Claimant of the MA deductible. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department acted in accordance with Department policy when it notified the Claimant of the MA eligibility and deductible amount due to excess income.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/14/2010

Date Mailed: 07/14/2010

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 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.

CMM/jlg

cc:

