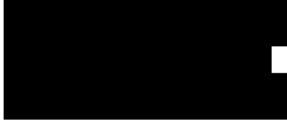


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 201046271
Issue No.: 2026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 23, 2010
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 held on September 23, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly figure his/her Medical Assistance (MA)?

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 department notified the claimant that her MA benefits would continue but with a monthly deductible of \$1,237.00 beginning on November 1, 2009.
2. On October 6, 2009, the Claimant filed a request for a hearing.
3. On July 22, 2010, a hearing was held and this ALJ found for the claimant in that she qualified as an early widow.
4. On August 18, 2010, a Rehearing was ordered.

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).

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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).

In the instant case, this ALJ found that the claimant qualified as an early widow. A category she had enjoyed earlier.

Placed into evidence at the hearing was a September 8, 2006, memo from the department's SSI unit stating that the claimant was an early widow as defined in BEM 157. Specifically, policy states:

MA Only

This is an SSI-related Group 1 MA category.

MA is available to any person who:

Is **not** entitled to Medicare Part A (hospital insurance), and

Receives RSDI benefits some or all of which are early widow(er)'s benefits under section 202(e) or (f) of the Social Security Act, or under any other provision of section 202 if they are also eligible under subsections (e) or (f), and

Sections 202(e) and (f) provide the same benefits; (e) is for widows and (f) is for widowers.

Was terminated from SSI because of RSDI received under section 202 of the Act, and;

Received SSI in the month before the month he began receiving RSDI under section 202 of the Act, and

Would be eligible for SSI if all RSDI under section 202 of the Act were excluded. (BEM 157, p.1).

Upon further review of the above policy the claimant does not qualify as an early widow per BEM 157 because she is entitled to Medicare Part A under RSDI.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the department's original decision and finds the claimant to be qualified for a MA deductible of \$1,237.00.



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

Date Signed: 10/05/2010

Date Mailed: 10/05/2010

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.

MJB/jlg

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