

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-49036  
Issue No: 2014  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
November 4, 2010  
St. Clair County DHS

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain

**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 November 4, 2010. Claimant personally appeared and testified.

**ISSUE**

Did the Department of Human Services (the department) properly determine claimant's Medicaid deductible amount?

**FINDINGS OF FACT**

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

- (1) On April 20, 2010, claimant reported in comments supplied verification information.
- (2) The department determined that the monthly gross household income of \$ [REDACTED] in earned income per month. The department gave claimant deductions including the protected income limit of \$ [REDACTED] and determined that the remaining deductible per month is \$ [REDACTED].
- (3) On June 9, 2010, the department caseworker sent claimant notice that her deductible amount would be \$ [REDACTED].
- (4) On July 21, 2010, claimant filed a request for a hearing to contest the department's negative action.

**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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the instant case, the department conceded on the record that they improperly determined claimant's deductible amount. Therefore, it is not unnecessary for this Administrative Law Judge to make a determination. The department has agreed to reinstate claimant's Medical Assistance application and to make an additional determination of whether or not claimant is eligible for Medicaid and the amount of her deductible.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has conceded on the record that it was not acting in compliance with department policy when it determined claimant's deductible amount.

Accordingly, the department's decision is REVERSED. The department is ORDERED to re-determine claimant's eligibility for Medical Assistance benefits and re-determine the amount of the Medicaid deductible if any. The department shall notify claimant in writing of her eligibility or lack thereof.

Landis

/s/  
\_\_\_\_\_  
Y. Lain  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: January 5, 2011

Date Mailed: January 5, 2011

**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.

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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.

LYL/alc

cc:

