

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:

[REDACTED]

Reg. No.: 201050452
Issue No.: 2017
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 24, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 24, 2010. The Claimant appeared and testified. [REDACTED], Assistance Payments Worker appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's ALMB application due to 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 applied for ALMB benefits.
- (2) Claimant receives \$1,244 gross in social security benefits.
- (3) Claimant's application for Medicare cost savings was denied due to excess income.
- (4) Claimant requested hearing on July 20, 2010 contesting the denial of her ALMB application.

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 (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 present case, Claimant receives \$1244 gross income from social security benefits. This was confirmed by the SOLQ report. The gross income limit for ALMB benefits is \$1,219. RFT 242. Therefore Claimant does have excess income for the program and the denial of benefits was proper and correct.

Claimant presented testimony regarding deductions from her social security benefits. It was explained that the determination by the Department is based on gross income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in the denial of Claimant's ALMB application, and it is ORDERED that the Department's decision in this regard be, and is, hereby AFFIRMED.


Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: December 2, 2010

Date Mailed: December 2, 2010

201050452/AM

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.

AM/hw

cc:

