

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: 2010-5047
Issue No: 2013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 8, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 June 8, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Medical Assistance (MA) Ad-Care program benefits due to excess income in August, 2009?

FINDINGS OF FACT

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

1. The claimant receives RSDI monthly in the amount of \$929. (Department Exhibit 7 – 9)
2. The income limit for the Ad-Care program is \$903. (Department Exhibit 5)

3. The claimant was mailed a Notice of Case Action (DHS-1605) on August 18, 2009, informing him that his Ad-Care MA was closing. (Department Exhibit 1 – 3)

4. The claimant submitted a hearing request on August 24, 2009.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy indicates that a person who is aged or disabled will be eligible for Ad-Care MA if their net income does not exceed 100% of the poverty level. BEM 163. The claimant receives a gross monthly amount of RSDI of \$929. Even after the \$20 disregard, the claimant's net unearned income is \$909. RFT 246 lists the income limit for the Ad-Care MA program. The income limit is \$903 for a group size of one. In this case, the claimant's unearned income is \$909, which means he exceeds the gross income test for Ad-Care MA. Thus, the department properly closed the claimant's Ad-Care MA case in August, 2009.

It is noted that the claimant should be eligible for a deductible MA case. The department indicated that once this order was issued, the claimant would be considered for a deductible MA program and will receive notice of the department's actions.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's Ad-Care MA case in August, 2009 due to excess income.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 13, 2010

Date Mailed: July 13, 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.

SLK 

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