# 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.: 201051497

Issue No.: 2026

Case No.:

Load No.:

Hearing Date: October 18, 2010 Macomb County DHS (20)

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 October 18, 2010. The claimant appeared and testified.

# <u>ISSUE</u>

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

## FINDINGS OF FACT

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

- 1. On July 26, 2010, this case was heard and decided in favor of the claimant.
- 2. On September 14, 2010, reconsideration was granted at the request of the department.
- In July, 2009, the department re-determined the claimant's MA and notified the claimant that her MA benefits would continue but with a monthly deductable of \$192.00 per month.
- 4. On October 12, 2009, the Claimant filed a request for a 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).

#### 201051497/MJB

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, the Claimant questions the Department's calculation of his/her MA.

# **EXHIBIT I - LIF GROUP COMPOSITION LIF Only**

A **group** is those related persons living together whose income and needs are used to determine LIF eligibility. This exhibit explains when persons:

Must be included in the group, and

May choose to be included in the group, and

Must be excluded from the group. (PEM 110, p. 3).

Here, the claimant stated during the hearing that there were 4 members of this MA group. The department used a count of 2 individuals in the FIP related MA group, as shown on the bridges net income exhibit.

#### But see:

FIP-Related Adult
Group 2 FIP-Related MA and Healthy Kids
An adult's fiscal group is:
The adult, and
The adult's spouse. (BEM 211, p.5).

This ALJ finds that the department properly calculated the claimant's deductable. The children in her group are covered under Healthy Kids and the group size of two (2) is correct

# **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the department's original finding that there is a deductable of \$192.00 per month.

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

Date Signed: <u>10/26/2010</u>

Date Mailed: 10/26/2010

<u>NOTICE</u>: 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

CC:

