

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.: 201052784  
Issue No.: 2026  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: December 6, 2010  
Macomb County DHS (12)

**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 December 6, 2010. The claimant appeared and testified.

**ISSUE**

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

**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 August 13, 2010, the department approved the claimant's MA benefits for her disabled minor child with a deductible of \$3,877.00.
2. On August 13, 2010, 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). 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. The documentation supplied by the department presents an income not adjusted with health and dental insurance premiums.

**PATIENT-PAY AMOUNT**

The post-eligibility PPA is total income minus total need.

**Total income** is the client's countable unearned income plus his remaining earned income. See "Countable Income" below.

**Total need** is the sum of the following when allowed by later sections of this item:

- Patient Allowance.
- Community Spouse Income Allowance.
- Family Allowance.
- Children's Allowance.
- Health Insurance Premiums.
- Guardianship/Conservator Expenses. (BEM 546, p. 1).

The undersigned has reviewed the MA budget and found it to be incorrect. The protected income limit is \$567.00. The claimant's income is \$3,453.74 minus a \$20.00 general exclusion and \$385.57 for health and dental insurance costs. The department had included an amount for child support. The claimant stated that this amount varied but was usually \$200.00 per month. This equals a \$3,248.74 deductible.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to adjust the claimant's deductible to \$3,248.74.



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

Date Signed: 12/28/2010

201052784/MJB

Date Mailed: 12/28/2010

**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

cc:

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