

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.: 2010-53663
Issue No.: 2026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
DHS County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 6, 2010. Claimant appeared and testified. [REDACTED]

[REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS properly calculated Claimant's Medical Assistance (MA or Medicaid) 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. In October 2009, Claimant's unearned income changed.
2. Claimant's new income amount is not reflected in the MA budget used to calculate Claimant's MA deductible.
3. At the hearing, DHS agreed to recalculate Claimant's income and deductible amounts retroactive to October, 2009.
4. On September 1, 2010, Claimant filed a hearing request with DHS.

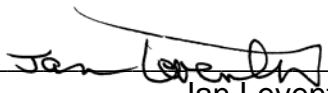
CONCLUSIONS OF LAW

MA was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10, *et seq.*, and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals can be found online at www.michigan.gov/dhs-manuals.

As the parties in this case have agreed that a recalculation is appropriate, it is not necessary for the Administrative Law Judge to decide the issues in this case. Accordingly, this Order shall reflect the settlement agreement of the parties that DHS will make a recalculation of Claimant's MA budget and monthly deductible amount retroactive to October 2009, when Claimant's income changed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, ORDERS that the parties have settled this matter; that DHS shall recalculate Claimant's Medicaid budget using the changed income amount from October 2009, and DHS shall recalculate Claimant's monthly deductible amount as a part of the recalculation as well. This recalculation shall be retroactive to October 2009, and shall be conducted in accordance with all DHS policies and procedures.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 7, 2010

Date Mailed: October 7, 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.

2010-53663/JL

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.

JL/pf

cc:

