

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.: 2010-53961  
Issue No.: 2014  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
DHS County: Genesee

**ADMINISTRATIVE LAW JUDGE:** Rhonda Craig

**RECONSIDERATION DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 24.287(1) and 1993 AACS R 400.919 upon the request of Claimant for reconsideration and/or rehearing.

**ISSUE**

Did the Administrative Law Judge properly determine that Claimant had excess income for the Medical Assistance Program (MA-P)?

**FINDINGS OF FACT**

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

1. On August 19, 2010, Administrative Law Judge Sundquist issued a Hearing Decision in which the Judge upheld the Department of Human Services' (DHS) denial of Claimant's application of March 24, 2009, for MA-P and retroactive MA-P.
2. On September 13, 2010, the State Office of Administrative Hearings and Rules (SOAHR) for the DHS received a Request for Rehearing/Reconsideration submitted by Claimant.
3. The Request for Reconsideration was granted.
4. Findings of Fact 1-2 from the Hearing Decision, mailed on August 19, 2010, are hereby incorporated by reference.
5. Claimant is 49 years of age.

6. Claimant has failed to present evidence of a disability.

### **CONCLUSIONS OF LAW**

The MA-P 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). DHS (formerly known as the Family Independence Agency) administers the MA-P program 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 Program Reference Table (RFT).

Under BEM Item 163, DHS considers eligibility under the AD-Care program only if eligibility does not exist under BEM 154 through 158. This category is before using Extended-Care (BEM 164) or any Group 2 MA category.

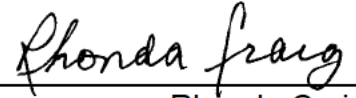
AD-Care is available to persons who are aged or disabled (AD). Net income cannot exceed 100% of the poverty level. All eligibility factors in this item must be met in the calendar month being tested. If the month being tested is an L/H month and eligibility exists, go to BEM 546 to determine the post-eligibility patient-pay amount.

In the present case, Claimant applied for MA-P. Administrative Law Judge Sundquist determined that Claimant had excess income for MA-P pursuant to RFT 240. Claimant argues that her financial eligibility should be based on RFT 242 which contains the income limits for the AD-Care program. Claimant argues that eligibility under the AD-Care program should have been addressed. However, according to the aforementioned policy regarding the AD-Care program, a client must be aged (65 or over, BEM 240) or disabled to be eligible. Since Claimant failed to establish either of these criteria, she is not eligible for the AD-Care program and her eligibility for MA-P was properly determined. The Administrative Law Judge properly found that Claimant was not eligible for MA-P due to excess income.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Administrative Law Judge Sundquist properly found that Claimant was not eligible for the Medical Assistance Program due to excess income, and that determination is, therefore, UPHELD.

The request for rehearing is hereby DENIED.



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Rhonda Craig  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: October 4, 2010

Date Mailed: October 5, 2010

**NOTICE:** The law provides that within 30 days of receipt of the above Reconsideration Decision and Order, the claimant may appeal it to the circuit court for the county in which he/she lives.

RC/pf

cc:

