

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.: 2010-8843  
Issue No.: 2017  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
May 27, 2010  
Wayne County DHS (58)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant request for hearing received by the Department on September 28, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, May 27, 2010. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of the Department.

ISSUES

Whether the Department properly terminated the Claimant's MA under the ALMB program due to excess income?

FINDINGS OF FACT

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

1. The Claimant was an ALMB recipient.
2. The Claimant receives \$1,450.00/month in Retirement, Survivor, Disability Insurance ("RSDI") income.

3. During review, the Department determined that the Claimant was no longer eligible for MA under the ALMB program.
4. The Department sent the Claimant notification of the ALMB termination.
5. On September 28, 2009, the Department received the Claimant's written request for hearing.

#### 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, 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 Bridges Reference Manual ("BRM").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for Supplemental Security Income ("SSI") recipients. *Id.* MA income eligibility exists for the calendar month tested when there is no excess income or allowable medical expenses that equal or exceed the excess income. BEM 545 Current SSA-issued SSI is excluded as income. BEM 500 Conversely, RSDI is counted as unearned income. BEM 500

Health insurance premiums (including vision and dental insurance) and Medicare premiums paid by the medical group is considered as a need item. BEM 544 ALMB monthly income limits effective April 1, 2009 for a group size of 1 was \$1,084.00 - \$1,219.00. RFT 242

In this case, the Claimant's health insurance premium for Medicare was previously considered as a "need" item based on the Claimant's income. Upon review, the Department correctly included the Claimant's RSDI income to determine continued need. The Claimant's monthly RSDI income (\$1,450.00) exceeded the monthly income limit (\$1,219.00). As a result, the Department sent the Claimant notification of the termination of benefits under the ALMB program (health insurance premiums). Based on the foregoing, the Department established it acted in accordance with Department policy when it terminated the Claimant's ALMB benefits. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is AFFIRMED.

Accordingly, it is ORDERED:

The Department's ALMB determination is AFFIRMED.

*Colleen M. Mamelka*

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Colleen M. Mamelka  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 6/10/2010

Date Mailed: 6/10/2010

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 receipt 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.

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cc:

