

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: 2010-11423

Issue No: 2013

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 8, 2010

Gratiot County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on June 8, 2010.

ISSUE

Whether the department properly determined claimant's eligibility for Medical Assistance (MA).

FINDINGS OF FACT

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

- (1) June 8, 2009, claimant applied for Medical Assistance for his child(ren).
- (2) October 1, 2009, the department prepared an MA budget. Claimant's total countable income for MA purpose for [REDACTED] consisting of [REDACTED] and [REDACTED]. Through a standard formula of proration, net income to be counted for MA

purposes was determined to be [REDACTED]. Claimant had excess income to qualify. Department Exhibit A, pgs 4-13; 16-21.

(3) October 1, 2009, the department sent claimant written notice that the application was denied. Application Eligibility Notice (DHS-115); Hearing Request.

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers:

When determining eligibility for MA, all income must be included that is not specifically excluded. [REDACTED] and [REDACTED] are not excluded and must be counted. A standard formula is employed to allocate a percentage of income to dependents and adults in the group. Bridges Eligibility Manual (BEM) 500, 531, 536.

In this case, claimant's asserts that his [REDACTED] income should not be counted when determining eligibility for Medical Assistance for his children. This view is not consistent with department policy which clearly indicates that [REDACTED] benefits of the type that claimant receives must be included when determining eligibility. Claimant conceded on the record that the amounts of the income that the department used when determining eligibility were correct. Accordingly, the department's determination that claimant had excess income to qualify for

Healthy Kids is accurate. As such, the department has met its burden of proof and its action must be upheld. Finding of Fact 1-3.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly determined claimant's eligibility for Healthy Kids Medical Assistance.

Accordingly, the department's action is, hereby, UPHELD.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 6, 2010

Date Mailed: July 27, 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.

JAB/db

cc:

