

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: 2010-11461

Issue No: 2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date: [REDACTED]

[REDACTED]

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 [REDACTED]. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine claimant's spend-down and determine the claimant in excessive income for purposes of Medical Assistance Benefit eligibility and a spend-down in the amount of \$ [REDACTED]

FINDINGS OF FACT

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

- (1) Claimant was a Medical Assistant Benefits recipient.
- (2) On October 31, 2009, claimant's medical assistance was eligible for review.

(3) A new budget was generated and it was determined that claimant had an excess income for purposes of Medical Assistance Benefit eligibility and a deductible spend-down in the amount of \$ [REDACTED]

(4) The Department did not deduct claimant's private pay insurance premium and conceded on the record that, it need to do that for accurate assessment of claimant's eligibility for Medical Assistance Benefits.

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).

The Department has conceded on the record that it did not include claimant's private pay medical insurance premium. The department case worker stated that it should re-assess the medical premium and determine claimant's eligibility for Medical Assistance based upon the appropriate information

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has conceded on the record that it improperly calculated claimant's Medical Assistance Benefit eligibility and deductible spend-down.

Accordingly, the department's decision is REVERSED. The department is ORDERED to re-instate claimant's Medical Assistance case and to re-assess claimant's eligibility for Medical

Assistance and a deductible spend-down, as well as re-assess the amount of the spend-down when it has included all other appropriate deductions in the calculations. The Department shall notify claimant in writing of his benefit eligibility or lack thereof.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 09, 2010

Date Mailed: April 12, 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.

LYL/alc

cc:

