

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: 2010-20125

Issue No: 2013

Case No:

Load No:

Hearing Date:

April 29, 2010

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from Lansing, Michigan on April 29, 2010.

ISSUE

Whether the Department properly computed the Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

- (1) Claimant was previously a LIF MA and Special N/Support MA recipient.
- (2) The Department completed a new MA budget at the time of Redetermination based on [REDACTED] of unemployment income which resulted in a [REDACTED] MA deductible.

(Exhibits 14, 19, 22-24, 27-30)

(3) On November 5, 2009, the Department sent Claimant a Notice of Case Action which informed her that she had a [REDACTED] deductible for November 1, 2009 – ongoing.

(Exhibits 8-10)

(4) On January 29, 2010, the Department received the Claimant’s 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, Claimant’s total unearned monthly income from unemployment compensation was [REDACTED] ([REDACTED] x 4 weeks). Per the MA formula, Claimant’s net income ([REDACTED]) minus the income limit ([REDACTED]) is [REDACTED], the amount of her deductible. Claimant received LIF MA in February 2009 because no income was budgeted for her. Unemployment compensation was then budgeted which moved her to Special N/Support from March 2009 – June 2009. Claimant has been on a [REDACTED] MA deductible since July 2009. With the above said, I find that the Department established that it acted in accordance with policy in determining Claimant’s MA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant’s MA eligibility.

Accordingly, the Department's MA eligibility determination is AFFIRMED, it is SO ORDERED.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 5, 2010

Date Mailed: May 6, 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.

SB/lk

cc:

