

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2010 24142
Issue No.: 2014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 23, 2010
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 23, 2010. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly determine that Claimant had excess income for Medical Assistance (MA) benefits?

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 October 29, 2009, Claimant's MA case was due for review, a new budget was completed and Claimant was found to be ineligible for MA because of excess income.
2. On November 4, 2009 the Claimant requested a hearing.

CONCLUSIONS OF LAW


The Medical Assistance (MA) 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). 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, Claimant questioned the denial of MA based on excess income. The Department did, in fact, run a budget which reflected the income reported by Claimant. The Department concluded that Claimant had \$1,247 income. This amount far exceeded the limit for MA. When the budget was completed using the deductions allowed, the Claimant had a net income of \$1,227 group fiscal net, which exceeds the income limit of \$1,219 for the ALMB program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department correctly denied MA benefits.

Therefore, it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.


Jonathan W. Owens
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: June 29, 2010

Date Mailed: June 29, 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.

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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.

JWO/pf

cc:

