

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: 2010-26238
Issue No: 2013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 11, 2010
Roscommon 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 May 11, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine that claimant was eligible for Healthy Kids Medical Assistance 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) Claimant applied online for Medical Assistance benefits and the case was processed.
- (2) Claimant was receiving My Child for her children and requested to remain in the My Child program.

(3) The department assessed claimant's child's eligibility for Medical Assistance benefits and determined that claimant's child was eligible to receive Medical Assistance benefits under the Healthy Kids Program.

(4) The department conceded on the record that they did not count all of the income and that claimant was erroneously determined to be eligible for other Healthy Kids Medical Assistance benefits because the department did not add in the child support income that claimant was receiving.

(5) On October 19, 2009, the department caseworker sent claimant notice that she was eligible to receive other Healthy Kids Medical Assistance benefits.

(6) On October 27, 2009, claimant filed a request for a hearing to contest the department's actions.

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 count all of the income that claimant had. Claimant was erroneously determined to be eligible for other Healthy Kids Medicaid for her child because the department did not add in the child support income that claimant was receiving.

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 did not establish by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant's child was eligible for other Healthy Kids Medical Assistance benefits.

Accordingly, the department's decision is REVERSED. The department is ORDERED to re-instate claimant's Medical Assistance application and to correctly process claimant's Medical Assistance application based upon all income which claimant was receiving at the time of the application. Once the department has made a determination of claimant's eligibility or lack thereof for Medical Assistance benefits for her child, the department shall notify claimant in writing of the assessment.

/s/

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

Date Signed: May 18, 2010

Date Mailed: May 18, 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.

2009-29334/LYL

LYL/alc

cc:

