

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:

[REDACTED]

Reg. No.: 201030996
Issue No.: 2026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 20, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 20, 2010. The claimant appeared and testified. [REDACTED] appeared as a witness for the claimant. [REDACTED] FIM, and [REDACTED], ES appeared and testified on behalf of the department.

ISSUE

Did the Department properly compute the Claimant's Medical Assistance (MA) deductible?

FINDINGS OF FACT

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

1. On July 1, 2010, the department placed the claimant in a MA spend down (deductible). The deductible currently is \$924 per month, based on an unearned countable income from RSDI of \$1319. (Department exhibit 1).
2. The claimant confirmed the amount of her unearned income at the hearing.
3. The claimant's Medical Assistance change from SSI Medicaid to a deductible when the claimant began receiving Social Security disability income.
4. On March 5, 2009, the Claimant filed a request for a hearing protesting the deductible amount placed on her MA on March 1, 2009.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the instant case, the Claimant questions the Department's calculation of her Medical Assistance (MA).

The undersigned has reviewed the MA budget and found it to be correct. The claimant's unearned income is \$1319.00 per month, less a \$20.00 standard exclusion, and a protected income limit of \$375 which is also deducted equals a \$924.00 deductible. ($\$1319 - \$20.00 - \$375 = \924)

The protected income level (PIL) is a set allowance for non-medical need items such as shelter, food and incidental expenses.

PRT 240 lists the Group 1 MA PILs based on shelter area and fiscal group size. (PEM 544, p. 1)


And:

The claimant lives in area IV and the protected income level is \$375.00 for a group of one. (RFT 240, p.1).

This ALJ sympathizes with the claimant but there is nothing that can be done to change the above equation. The claimant is encouraged to provide the department her ongoing medical expenses which will assist her in meeting her deductible amount on a monthly basis.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/21/2010

Date Mailed: 10/21/2010

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.

LMF/jlg

cc:

