

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: 2010-37163

Issue No: 2026

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 23, 2010

St Clair County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine Claimant's Medical Assistance (MA) as a deductible case and the proper deductible amount?

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 submitted information to the Department to process his Medical Assistance (MA) eligibility.
- (2) On April 16, 2010, Claimant was determined ineligible for Medical Assistance

(MA) due to excess assets. Claimant was sent a Application Eligibility Notice form (DHS-1150) denying Medical Assistance (MA).

(3) On April 23, 2010, the Department corrected an error in their determination of Claimant's Medical Assistance (MA) eligibility, determined that Claimant was eligible for a deductible case with a \$ [REDACTED] deductible. Claimant was sent a Notice of Case Action (DHS-1605) stating his eligibility.

(4) On May 14, 2010, Claimant submitted two hearing requests regarding his medical coverage.

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 Program Reference Manual (PRM).

At the hearing Claimant raised the issue of whether his deductible case was correct. The evidence submitted by the Department contained the notices sent to Claimant and BRIDGES print outs of Claimant's eligibility summaries. The Department representative was informed that a copy of Claimant's Medical Assistance (MA) financial eligibility budget was required to address his request. The record was left open to allow the Department to submit that evidence. No such evidence has been submitted.

In this case the Department has not met its initial burden of showing this action is correct. Under these circumstances the Department must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly determine Claimant's Medical Assistance (MA) as a deductible case and the proper deductible amount.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department recalculate Claimant's Medical Assistance (MA) eligibility and send him notice of the recalculated determination.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 2, 2010

Date Mailed: July 7, 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.

GFH/alc

cc:

