

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: 2010-37686
Issue No: 2026
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 30, 2010
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on June 1, 2010. After due notice, a telephone hearing was held on Wednesday, June 30, 2010.

ISSUES

- (1) Whether the Department of Human Services (Department) properly determined the Medical Assistance (MA) eligibility for the Claimant's husband?
- (2) Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

- (1) The Claimant receives MA benefits and FAP benefits.
- (2) The Claimant's husband receives monthly Retirement, Survivor's and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED].
- (3) On May 19, 2010, the Department completed a MA budget, which determined that a group member was no longer eligible for MA-Ad Care, and that his benefits under Group 2 Caretaker Relative MA would have his deductible increase to [REDACTED].
- (4) The Department received the Claimant's request for a hearing on June 1, 2010, protesting the amount of her FAP benefits, and the [REDACTED] deductible for a MA group member.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Claimant's husband receives monthly Retirement, Survivor's and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED], which represents his total monthly income. The husband's prorated income of [REDACTED] is determined by dividing his total income by his prorate divisor of 5.90. Adding this to the [REDACTED] share of his income produces a total net income of [REDACTED]. The protected income level of an adult living in Jackson county, and part of a MA group of two is [REDACTED] RFT 240. The husband's MA deductible is determined by subtracting the protected income level from his total net income, which is [REDACTED] in this case.

Based on the evidence and testimony presented at the hearing, I find that the Department properly determined the Claimant's eligibility for MA benefits.

The Department received the Claimant's request for a hearing on June 1, 2010. The Claimant included the Food Assistance Program (FAP) on her request for a hearing. At the beginning of the administrative hearing held on June 30, 2010, the Claimant testified that she no longer disputed the Department's FAP eligibility determination. The law, MCL 24.278(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. The Claimant's hearing request concerning the FAP program is HEREBY DISMISSED.

DECISION AND ORDER

1. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's MA eligibility.

The Department's MA eligibility determination is AFFIRMED. It is SO ORDERED.

2. The Administrative Law Judge based on the agreed upon settlement ORDERS that Claimant's hearing request concerning the FAP program is DISMISSED because claimant is no longer aggrieved by a department action.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 19, 2010

Date Mailed: July 20, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/vc

cc:

