

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010 38536
Issue No: 2026
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 18, 2010
Oakland 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 hearing was held on November 18, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly determine the medical expenses submitted for the Claimant's MA spend-down?

FINDINGS OF FACT

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

1. Since April 1, 2006, the Claimant has had an active MA spend-down case.
2. On February 26, 2010, the Claimant submitted some medical bills along with explanation of benefit forms for the Department to use to meet his spend-down.

3. The Department determined the bills submitted failed to meet the Claimant's spend-down.
4. On February 26, 2010, Claimant filed a request for hearing asking for the medical bills he submitted, on February 25, 2010, be used to activate MA coverage back to January 2008.

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 (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).

Michigan provides MA for eligible clients under two general classifications: Group 1 and Group 2 MA. Claimant falls under Group 2 MA classification which consists of client's whose eligibility results from the state designating types of individuals as "medically needy." MCL 400.106; MSA 16.490 (16), MCL 400.107; MSA 16.490(17), and PEM, Item 105.

In the present case, Claimant has qualified for MA under a spend-down case since April 2006. On February 25, 2010, the Claimant submitted some medical bills along with explanation of benefit forms for the Department to use to meet his spend-down. The Department went through the information provided by the Claimant and determined some of the papers were in fact bills they could use towards his spend-down but the majority were not bills but explanation of benefit papers. The Department

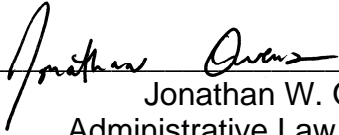
explained to the Claimant he needed to have a current bill showing he had an obligation to pay a medical expense and/or documentation of expenses he had paid such as his prescription co-pays.

The Department properly determined the amount of bills and expenses submitted, on February 25, 2010, that could be used for the Claimant's spend-down. This Administrative Law Judge (ALJ) explained to the Claimant that his jurisdiction was limited to the 90 days prior to his hearing request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined the Claimant's coverage.

Accordingly, the Department's decision is hereby AFFIRMED.


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

Date Signed: 12/02/10

Date Mailed: 12/03/10

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.

JWO/dj

cc:

