

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.: 2010-44032
Issue No.: 2013
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 21, 2010
DHS County: Macomb (12)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 21, 2010. Claimant was represented by [REDACTED]. Claimant did not appear. [REDACTED], appeared and testified on behalf of the Department of Human Services.

ISSUE

Whether DHS correctly calculated Claimant's Medical Assistance (MA or Medicaid) benefits?

FINDINGS OF FACT

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

1. On or about February 29, 2008, DHS approved Claimant for MA benefits.
2. Claimant receives \$1,285.81 retirement benefits monthly, and from this amount pays \$55 per month in taxes.
3. On April 27, 2010, Claimant filed a hearing request notice with DHS contesting the use of her gross income amount as the basis for calculating her MA benefits.

CONCLUSIONS OF LAW

MA was established by Title XIX of the United States Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS 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 Reference Tables Manual (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The manuals provide legal authority for the day-to-day policies and procedures of the Department. I determine that the appropriate DHS manual section that is to be applied in this case is BEM 503, "Income, Unearned." This section provides that DHS is required to count a person's gross benefit as the amount of the person's income. This manual section does not provide for the use of a claimant's net income in the calculation of a person's MA benefits. BEM 503, p. 19.

DHS' calculation in this case is correct. DHS used the correct figure, Claimant's gross retirement income, to calculate her MA benefits. DHS is AFFIRMED. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that DHS used the proper procedure in calculating Claimant's MA benefits. DHS is AFFIRMED. DHS need take no further action in this matter.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 26, 2010

Date Mailed: October 27, 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.

2010-44032/JL

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.

JL/pf

cc:

