

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.: 201047303
Issue No.: 2026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 28, 2010
Oakland County DHS (2)

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 28, 2010. The Claimant personally appeared and testified together with [REDACTED] and [REDACTED] who participated as witnesses. [REDACTED], Assistant Payment Supervisor 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 Medical Assistance program pursuant to a spend down (deductible). The deductible currently is \$702 per month, based on an unearned countable income from RSDI of \$1226. (Department exhibit 1)
2. The claimant confirmed the amount of her unearned income at the hearing.
3. The claimant understood that her spend down amount was \$702 per month and did not dispute the department's determination or of the computation of the claimant's spend down amount. At the hearing the claimant no longer wished to proceed with the hearing as she believed the

department properly computed the spend down amount after the budget calculating the spend down was review.

4. On May 23, 2010 the Claimant filed a request for a hearing protesting the deductible amount placed on her MA on indicating that she could not pay the deductible amount in needed medical help. The claimant's hearing request was received by the department on June 11, 2010.

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 questioned the Department's calculation of her Medical Assistance (MA). After the department explained the calculations it used to compute the amount of the medical spend down, the claimant indicated she understood how the amount was determined and no longer wished to proceed with the hearing. The claimant agreed that the calculation of the spend down amount was correct.

The undersigned has reviewed the MA budget and found it to be correct.

As a result of the claimant confirming that she understood the basis upon which the spend down was determined by the department and that she no longer wished to proceed with the hearing, this Administrative Law Judge has determined that an order of dismissal should be entered dismissing the claimant's request for a hearing with prejudice. The claimant is encouraged to provide the department her ongoing medical expenses so her budget can be adjusted to include 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 and accordingly finds that the claimant's request for rehearing is dismissed with prejudice.



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

Date Signed: 11/03/2010

Date Mailed: 11/03/2010

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.

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