

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.: 201052281
Issue No.: 2026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 9, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 December 9, 2010. The claimant personally and was represented by her mother [REDACTED]

ISSUE

Whether the Department was correct in closing the claimant's Medical Assistance (MA)?

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 August 5, 2010, the department closed the claimant's MA for excess income.
2. On August 11, 2010, the claimant filed a request for a hearing.

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 this case, the department closed the claimant's MA for excess income. The department cites BEM 544 which speaks to MA needs. BEM 544 also instructs to begin with the protected income level which in this case is \$408.00 per month. (RFT 200 and 240) Controlling is also BEM 545 which says in part:

MA Only

This item completes the Group 2 MA income eligibility process.

Income eligibility exists for the calendar month tested when:
There is no excess income.

Allowable medical expenses (defined in **EXHIBIT I**) equal or exceed the excess income. (BEM 545, p.1).

Here, the department has not presented such calculations. The department is correct in including the claimant's earned income with her unearned income from SSI. The department should utilize the formula in BEM 545 to figure the monthly patient pay amount after deducting the \$408.00 and any medical expenses.

The claimant's representative also stated that the claimant worked part time and that her income fluctuated monthly.

The undersigned finds the department erred when it simply closed the claimant's MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES and ORDERS the department to reregister the claimant's MA back to its August 5, 2010 closure, accept documentation of earned income and figure the claimant's deductible accordingly.



Michael J. Bennane
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

Date Signed: 1/12/2011

201052281/MJB

Date Mailed: 1/12/2011

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.

MJB/jlg

cc:

