

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.: 2011-14366  
Issue No.: 2014  
Case No.: [REDACTED]  
Hearing Date: February 16, 2011  
DHS County: Oakland (63-02)

**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 [REDACTED] request for a hearing. After due notice, a telephone hearing was held on February 16, 2011. Claimant appeared and testified. [REDACTED], Claimant's husband, appeared and testified for the Claimant. [REDACTED], appeared and testified for the Department of Human Services (DHS).

**ISSUE**

Whether DHS denied Medical Assistance (MA or Medicaid) in the Aged/Disabled Care (AD Care) program to Claimant in accordance with its own policies and procedures?

**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 December 20, 2010, Claimant applied for Medicaid coverage in two different MA programs, the AD Care and Group 2 Spend-down (G2S) programs.
2. On December 21, 2010, DHS denied Claimant's application for the AD Care program only.
3. Also on December 21, 2010, DHS approved Claimant for the MA G2S program and sent her application to the DHS Medical Review Team (MRT) for evaluation of her medical status.
4. On December January 4, 2011, Claimant filed a Request for a Hearing with DHS.

### **CONCLUSIONS OF LAW**

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the U.S. Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These materials are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

The administrative manuals are the policies and procedures DHS officially created for its own use. While the DHS manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable policy is, I will examine whether it was in fact followed in this case.

I will state at the outset that the sole issue before me in this case is Claimant's eligibility for the AD Care program. At the hearing, testimony was presented that the DHS MRT recently denied Claimant's G2S application, and Claimant has not exhausted her right to an internal administrative appeal of that decision. Therefore, it would be premature for the undersigned Judge to rule on Claimant's eligibility for MA G2S benefits.

In this case, I have reviewed all of the evidence and testimony as a whole. I find that DHS properly included Claimant's group's earned and unearned income in its calculations of Claimant's eligibility for AD Care. BEM 501, "Income from Employment;" BEM 503, "Unearned Income." Notwithstanding the fact that Claimant does not dispute DHS' calculations, I reviewed the calculations in their entirety. I find and determine that DHS took the proper deductions from unearned and earned income in this case and that no other deductions are appropriate. BEM 541, "MA Income Deductions – SSI-Related Adults;" RFT 200, MA Shelter Areas;" RFT 240, "MA Monthly Protected Income Levels."

Based on the above findings of fact and conclusions of law, I find and decide that DHS acted correctly in this case and is AFFIRMED as to its denial of MA AD Care benefits to Claimant. This decision does not apply to Claimant's MA G2S application, which was recently denied by MRT, and over which this Judge has no jurisdiction. DHS need take no further action with regard to Claimant's MA AD Care benefits.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS DHS' action in this case. IT IS ORDERED that DHS need not take further action in this matter.



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Jan Leventer  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 24, 2011

Date Mailed: March 3, 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.

JL/pf

cc:

