

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201143968
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: August 31, 2011
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 31, 2011 from Detroit, Michigan. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Medical Assistance (MA) benefits due to a failure to meet an ongoing deductible for a period of three months.

FINDINGS OF FACT

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

1. Claimant and his spouse were ongoing MA benefit recipients.
2. Effective 9/2010, Claimant and his spouse received Medicaid subject to a monthly deductible of approximately \$1300.
3. Claimant did not meet the deductible since 9/2010.
4. On an unspecified date, DHS terminated Claimant's MA benefits due to a failure to meet the MA deductible for at least a period of three months.
5. On 7/20/11, Claimant requested a hearing to dispute the termination of MA and Food Assistance Program benefits.

6. Claimant currently only has a dispute concerning the termination of MA benefits for himself and his spouse.

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). 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).

The undersigned will refer to the DHS regulations in effect as of 7/2011, the estimated month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

A recipient with excess income for ongoing Medicaid may still be eligible for Medicaid under the deductible program. Clients with a Medicaid deductible may receive Medicaid if sufficient allowable medical expenses are incurred. Each calendar month is a separate deductible period. The fiscal group's monthly excess income is called the deductible amount. Meeting a deductible means reporting and verifying allowable medical expenses that equal or exceed the deductible amount for the calendar month. BEM 545 at 9. The client must report medical expenses by the last day of the third month following the month in which the group wants MA coverage. *Id.*

DHS is to redetermine eligibility for active deductible cases at least every 12 months unless the group has not met its deductible within the past three months. BEM 545 at 9. If a group has not met its deductible in at least one of the three calendar months before that month and none of the members are QMB, SLM or ALM (Medicare Savings Programs which allow clients to have Medicare premiums paid by DHS) eligible, Bridges (the DHS database) will automatically notify the group of closure. *Id.*

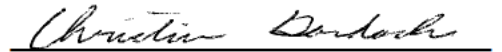
In the present case, DHS established that effective 9/2010 Claimant and his spouse were eligible for MA benefits subject to a deductible. It was not disputed that Claimant and his spouse failed to meet the deductible since 9/2010. Thus, DHS appropriately terminated the MA benefits because neither Claimant nor his spouse met the deductible for at least a three month period. It is found that DHS properly terminated Claimant's

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and his spouse's MA benefits. As discussed during the hearing, Claimant may reapply for MA benefits at any time

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's and his spouse's MA benefits. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 1, 2011

Date Mailed: September 1, 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.

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