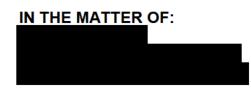
## STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2011-55022 Issue No.: 2026 Case No.: Hearing Date: January 9, 2012 Oakland County DHS (02)

## ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

## 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 hearing was held in Madison Heights, Michigan on Monday, January 9, 2012. The Claima nt appeared and testified. provided interpretative services. The Claimant was represented by

ehalf of the Department of Human Services ("Department").

## <u>ISSUE</u>

Whether the Department properly determined the Claimant's Medical Assistance ("MA") deductible amount?

# FINDINGS OF FACT

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

- 1. The Claimant is a MA recipient.
- 2. The Claim ant receiv es Retirement, Su rvivor's, Disability, Insurance ("RSDI") income in the gross monthly amount of \$791.50. (Exhibit 1)
- 3. The Claimant's spouse receives RSDI income in the gross monthly amount of \$1,425.50. (Exhibit 2)
- 4. The Claimant is responsible for Part B premiums in t he amount of \$96.50. (Exhibit 1)

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- 5. The Department calculated the Claimant's MA deductible as \$1,533.00. (Exhibit 3)
- 6. On August 25, 2011, the Department received the Claimant's timely written request for hearing.

### CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administer ed by the Department, formerly known as the Family Independe nce Agency, pursuant to MCL 400.10 *et seq.* and MCL 400.105. Department policies are found in the Bridges Administrative Manuals ("BAM"), Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The goal of the Medicaid program is to ensure that essentia I health care s ervices are made available to those who otherwise could not afford them. BEM 105. The Medicaid program is comprised of several categories ; one c ategory is for FIP recipie nts while another is for SSI recipients. BEM 105. MA income elig ibility exists for the calend ar month tested when there is no excess income or allowable medical expenses that equal or exceed the excess income. BEM 545. The fiscal group's monthly excess income is called a deductible amount. BEM 545. Deductible is a process which allows a client with excess income to become eligible for MA if sufficient allowable medical expenses are incurred. BEM 545. Each calendar month is a s eparate deductible period. BEM 545. The group must report expenses by the last day of the third month following the month for which it seeks MA coverage . BEM 545. The gross RSDI benefit amount is counted as unearned income. BEM 500.

In this case, the Claimant and her s pouse rec eived \$791.50 and \$1,425.5 0, respectively, in monthly RSDI income. As a result, the Department properly considered both the Claimant's, and her spouse's, gross income when it determined the Claimant's MA deductible of \$1,533.00. The Department properly notified t he Claimant of the determination. Ultimately, the Department established it acted in accor dance with Department policy when it ca lculated the Claimant's MA deductible amount. Accordingly, the Department's MA determination is AFFIRMED.

## DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department established it acted in accordance with Department policy when it determined the Claimant's MA deductible.

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Accordingly, it is ORDERED:

The Department's MA determination is AFFIRMED.

Colleen M. Mamilka

**Colleen M. Mamelka** Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: January 18, 2012

Date Mailed: January 18, 2012

**NOTICE:** Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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