STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Reg. No:20118971Issue No:2014Case No:March 9, 2011Hearing Date:March 9, 2011Delta County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the under signed Administrative Law J udge by authority of MCL 400. 9 and MCL 400.37. Cla imant's request for a hearing was r eceived on November 18, 2010. After due notice, a telephone hearing was held on Wednesday, March 9, 2011.

ISSUE

Whether the Department of Human Serv ices (Department) properly det ermined the Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

- 1. The Claim ant submitted an applic ation for Medical Ass istance (MA) on October 13, 2010, for his 17-year-old son.
- 2. The Claimant receives monthly earned in come in the gross monthly amount of
- 3. The Claim ant's spouse receives m onthly earned inc ome in the gross monthly amount of **and a**.
- 4. The Claimant receives monthly disability benefits in the gross monthly amount of

- 5. The Claimant receives monthly social security benefits in the gross monthly amount of **and**.
- 6. On November 8, 2010, the Depar tment denied the Cla imant's Medical Assistance (MA) application due to excess income.
- 7. The Department received t he Claim ant's request for a hearing on November 18, 2010, protesting the deni al of his Medical Assistance (MA) application.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by T itle 42 of the C ode of Federal Regulations (CFR). The Department of Human Servic es (DHS or Department) adm inisters the MA program pursuant to MCL 400.10, et s eq., and MCL 400.105. Departm ent policies are found in the Bridges Administ rative Manual (BAM), the Bridges Eligibi lity Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for r compensation or profit. Unearned income e means all income that is not earned, including but not limited to funds received from the Family Independenc e Program (FIP), State Dis ability Ass istance (SDA), Child Development and Ca re (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemploy ment Compensation Benef its (UCB), Adu It Medical Pr ogram (AMA), alimony, and child support payments. The amount counted may before than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

MA is available to a person who is under age 19 when net income does not exceed 150% of the poverty level. A person age 16 -18 years old with net income between 101-150% of the poverty level is a Healthy Kids Expansion (HKE) recipi ent. All eligibility factors must be met in the calendar month being tested. However, only certain eligibility factors apply before r edetermination. If t he month being tested is an L/H month and eligibility exists, go to BEM 546 to determine the post-eligibility patient-pay amount. BEM 131.

A child's fiscal group is:

- The child, and
- The child's parents. BEM 211.

In this cas e, the Claimant submitted an app lication on October 13, 2010, f or Medical Assistance (MA) to e nroll his children in t he Healthy Kids program. The Claimant reported on his application that he receives monthly earned income in the gross monthly

amount of **and une arned income in the gros s amount of** The Claimant reported that his spouse receives earned in come in the gross monthly amount of **and**, and unearned income in the gross m onthly amount of **and**. The Claimant did not dispute the income that he entered on his application for assistance.

There are six people in the Claimant's househ old, but only one person is under 19-years-old, which is a requirement to participate in the Healthy Kids program. A child's fiscal group is the child and the child's parents. Therefore, the group size for the Claimant's child is three. The income limit to participate in the Healthy Kids program for a group of three is **19-years**. The Department denied the Claimant's applic ation because the group's income exceeds the income limit.

The Department has established that it properly denied the Claimant's application for Medical Assistance (MA) under the Health Kid's category.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides that the D epartment acted in accordance with policy in determining the Claimant's Medical Assistance (MA) eligibility.

The Department's Medical Assistance (MA) eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin

Scully Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services

Date Signed: March 30, 2011

Date Mailed: <u>March 31, 2011</u>

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 60 days of the filing of the original request.

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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 timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

KS/vc

