

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-36162
Issue No.: 2017
Case No.: [REDACTED]
Hearing Date: August 10, 2011
DHS County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, an in-person hearing was held in Clinton Township, MI, on August 10, 2011. Claimant and his spouse, [REDACTED] appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Whether the Department properly determined at review that Claimant's income exceeded the program limits for the State Limited Medicare Benefit (SLMB) program?

FINDINGS OF FACT

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

1. An October 2010 redetermination was completed and Claimant was found to have excess income for the SLMB program.
2. On November 1, 2010, the SLMB benefit closed.
3. On January 31, 2011, Claimant requested a hearing.

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). The Department 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) and the Bridges Eligibility Manual (BEM).

In the instant case, Claimant requested a hearing disputing the closure of his SLMB case benefit. The Department completed a redetermination and discovered that Claimant had excess income. Claimant's household income at the time of redetermination was \$977 RSDI and a Veteran's benefit in the amount of \$647 for Claimant and Claimant's spouse received \$477 RSDI. The total income for the household was \$2,101. The Department removed a \$20 disregard and reduced the household income to \$2,081. The income limit for SLMB is \$1,457.

After reviewing the policy and considering the testimony, this Administrative Law Judge finds the Department properly determined that Claimant has excess income for SLMB program benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department properly closed Claimant's SLMB case due to excess income. Accordingly, the Department's decision is hereby UPHELD.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 16, 2011

Date Mailed: August 16, 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.

2011-36162/JWO

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.

JWO/pf

cc:

