

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-41950
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: August 25, 2011
DHS County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437, upon the claimant's request for a hearing. After due notice a telephone hearing was held from Detroit, Michigan on August 25, 2011. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly calculate her Medical Assistance (MA) deductible?

FINDINGS OF FACT

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

1. On [REDACTED] the claimant was granted a default judgment of divorce from her spouse.
2. The claimant testified that she had been separated from her spouse for some time prior to the divorce being granted.
3. The Department's calculations of the claimant's MA deductible do not appear to reflect the above separation.
4. On June 22, 2011, the claimant filed a request for 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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MC L 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, the claimant questions the calculation of her deductible MA and the inclusion of her ex-spouse's income that was used to calculate that deductible.

The Department testified that the claimant's RSDI income was \$936.00 per month. The Department's SSI Related Medic aid – Income Budget Results sent by facs imile during the hearing show the claimant's income be ing \$1,533.00 per month, and the resulting deductible being \$936.00 per month.


It is not clear to this Administrative La w Judge whether the claimant can verify her separation from her ex-spouse pr ior to the divorce but, if it can be verified, the above figures are incorrect and should be adjusted accordingly.

This Administrative Law Judge finds that the Department may have erred when it included the claimant's ex-spouse's income in calculating the claimant's MA deductible.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to accept documentation of the claimant's separation from her ex-spouse as proof that the claimant's MA group did not include him and recalculate the claimant's MA deductible accordingly.

Michael
Administrative
for
Department



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: September 14, 2011

Date Mailed: September 14, 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

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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.

MJB/cl

cc:

