

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-47856
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: October 31, 2011
DHS County: Wayne (49)

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; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held from Detroit, Michigan on October 31, 2011. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly figure his Medical Assistance (MA)?

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 filed a request for a hearing protesting the deductible amount for his wife's MA.
2. On [REDACTED] Administrative Law Judge Aaron McClintic ruled that the Department erroneously calculated the claimant's wife's income and granted her MA without a deductible.
3. The Department states in its Hearing Summary that the previous judge's ruling was not based on Department policy and, in fact, the Department appealed the Administrative Law Judge's ruling which was dismissed because there was no new evidence upon which to base an appeal.

4. This August the Department once again placed a deductible on the claimant's wife's MA, although in keeping with departmental policy they have maintained the MA-G2C case due to the claimant's hearing request.
5. The Department has done a new redetermination and found that the claimant's wife does now have a deductible.
6. On September 9, 2011, the claimant filed another 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 MCL 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 Department's calculation of his wife's MA.

The undersigned was unable to review the MA budget because it was not provided nor placed into evidence. The Department has not met its burden of proof.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to maintain the claimant's wife's MA status.

Michael
Administrative

for

Department

Date Signed: November 29, 2011

Date Mailed: November 29, 2011



J. Bennane
Law Judge

Maura Corrigan, Director
of Human Services

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.

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

- A rehearing **MAY** 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MJB/cl

cc:

