

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

IN THE MATTER OF:

[REDACTED]

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

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on November 18, 2010. After due notice, a telephone hearing was held on Wednesday, March 9, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined 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 Claimant submitted an application for Medical Assistance (MA) on October 13, 2010, for his 17-year-old son.
2. The Claimant receives monthly earned income in the gross monthly amount of [REDACTED].
3. The Claimant's spouse receives monthly earned income in the gross monthly amount of [REDACTED].
4. The Claimant receives monthly disability benefits in the gross monthly amount of [REDACTED].

5. The Claimant receives monthly social security benefits in the gross monthly amount of [REDACTED].
6. On November 8, 2010, the Department denied the Claimant's Medical Assistance (MA) application due to excess income.
7. The Department received the Claimant's request for a hearing on November 18, 2010, protesting the denial of his Medical Assistance (MA) application.

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 (DHS or 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), the Bridges Eligibility 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 that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more 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) recipient. All eligibility factors must be met in the calendar month being tested. However, only certain eligibility factors apply before redetermination. If the 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 case, the Claimant submitted an application on October 13, 2010, for Medical Assistance (MA) to enroll his children in the Healthy Kids program. The Claimant reported on his application that he receives monthly earned income in the gross monthly

amount of [REDACTED] and unearned income in the gross amount of [REDACTED]. The Claimant reported that his spouse receives earned income in the gross monthly amount of [REDACTED], and unearned income in the gross monthly amount of [REDACTED]. The Claimant did not dispute the income that he entered on his application for assistance.

There are six people in the Claimant's household, 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 [REDACTED]. The Department denied the Claimant's application 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 the above findings of fact and conclusions of law, decides that the Department 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: March 31, 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 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

cc:

