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

IN THE MATTER OF:



Reg. No.: 2012-10507

Issue No.: 2026

Case No.:

Hearing Date: April 5, 2012 County: Wayne (82-19)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 5, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included

<u>ISSUE</u>

Did the Department properly determine Claimant's Medical Assistance (MA) spend-down amount?

FINDINGS OF FACT

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

- On January 5, 2012, the Department completed a new budget for Claimant's MA spend-down case. The Department increased the spend-down amount from \$178 to \$244.
- 2. On January 31, 2012, Claimant requested a hearing protesting the increase in her spend-down amount.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

Michigan provides MA for eligible clients under two general classifications: Group1 and Group 2 MA. Claimant falls under the Group 2 MA classification which consists of clients whose eligibility results from the State designating types of individuals as "medically needy." MCL 400.106; MSA 16.490 (16), MCL 400.107; MSA 16.490(17), and PEM, Item 105.

In order to qualify for Group 2 MA, a medically needy client must have income which is equal to or less than the protected basic maintenance level. Department policy sets forth the method for determining the protected basic maintenance level by considering: (1) the protected income level; (2) the amount diverted to dependents; (3) health

insurance premiums; and (4) remedial services if determining eligibility for clients in adult-care homes. The protected income level is a set amount for non-medical needs such as shelter, food and incidental expenses. In all other cases other than those involving long-term care, the appropriate protected income level must be taken from RFT 240. PEM Item 545, and 42 CFR 435.811 through 435.814. If the individual's income exceeds the protected income level, the excess amount must be used to pay medical expenses before Group 2 MA coverage can begin. This process is known as "spend-down." Policy requires the Department to count and budget all income received that is not specifically excluded. There are three main types of income: countable earned, countable unearned and excluded.

In the present case, Claimant's total income increased from \$1,090 in RSDI to \$1,129 in RSDI. Claimant's Food Assistance Program (FAP) benefits also increased due to other changes in her FAP budget. Claimant's countable income is figured at \$744. After subtracting the total needs of \$500, Claimant would be left with a \$244 spend-down amount. The Department properly completed a budget reflecting all countable sources of income and determined correctly that Claimant and her husband would only qualify for MA under a spend-down case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findin of Law, and for the reasons stated on the record, finds that th \boxtimes did act properly when it increased Claimant's spend-down act properly when .	e Department	Conclusions
Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes Mark SED for the reasons stated on the second states \square REVERSED for the reasons stated on the second states \square REVERSED for the reasons stated on the second states are second states as \square AMP \square FIP \square FAP		DC decision
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	Jonathan Administrative	W. Owens
f	or Maura Corrig	_
Dep	artment of Hum	an Services

Date Signed: April 9, 2012

Date Mailed: April 9, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

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

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
 of the original hearing decision.
- A reconsideration <u>MAY</u> 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

JWO/pf

