

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-27109
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: May 8, 2012
County: Oakland

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 May 8, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's MA eligibility based on Claimant's SSI-related adult status?

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 September 14, 2011, Claimant's guardian filed a Medicaid and Retro-MA application with the department on behalf of Claimant.
2. On December 22, 2011, Claimant was approved for the Medicaid Extended-Care Program with a current post eligibility Patient Pay Amount of [REDACTED]. This amount was calculated using his reported gross income of [REDACTED] (guardianship/conservator expense), [REDACTED] (Medicare Part B expense) - [REDACTED] (patient allowance), leaving [REDACTED], which was rounded down to [REDACTED]. Claimant's RSDI is being garnished by [REDACTED] monthly due to Child Support/Alimony arrearages.
3. On December 21, 2011, Claimant's representative filed a hearing request contesting the department's determination of Claimant's eligibility.

CONCLUSIONS OF LAW

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

The Medical Assistance (MA) program is established by the 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.

In this case, the department relied on BEM 541 which indicates the income deductions do not apply to the Extended-Care program, therefore, the Child Support/Alimony arrearages being garnished are not an allowable expense to offset the Patient Pay Amount, which resulted in the current calculated Patient Pay Amount of \$1,093.

Claimant's representative argues that the department erred in relying on BEM 541 to determine Claimant's Patient Pay Amount because it was not the most beneficial to Claimant, and instead the department should have relied on Ad-Care, BEM 163, which would have allowed the Child Support/Alimony Amount to be expensed to offset the Patient Pay Amount. However, Claimant's representative has presented no authority that BEM 163 was designed to get around court-ordered Child Support/Alimony arrearages.

Therefore, this Administrative Law Judge find the department properly calculated Claimant's Patient Pay Amount using BEM 541.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did act properly when it calculated Claimant current Patient Pay Amount.

Accordingly, the Department's MA decision is AFFIRMED.

/S/ _____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/12/12

Date Mailed: 6/12/12

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.

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.

VLA/ds

■ [REDACTED]