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

IN THE MATTER OF:



Reg. No.: 2012-27752

Issue No.: 2026

Case No.:

Hearing Date: May 23, 2012 County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on May 23, 2012, from Detroit, Mich igan. Participants on behalf of Claimant included the claimant. Participants on be half of the Dep artment of Human Services (Department) included

<u>ISSUE</u>

Did the Department properly calculate the claimant's MA deductible?

FINDINGS OF FACT

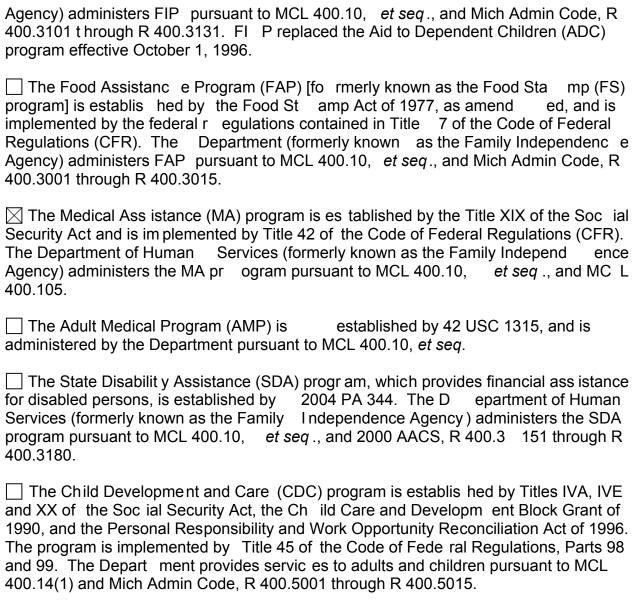
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. On December 19, 2011, the department sent the claimant a notice of case action notifying him that his MA was to be changed to a deductible MA case.
- 2. On January 5, 2012, the claimant reques ted a hearing to protest the deductible being placed on his MA.

CONCLUSIONS OF LAW

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

L	J The Family	/ Indepei	ndence F	Program (FIP) was	s e	established pur	suant to	the P	ersonal
R	esponsibility	and W	ork Oppo	rtunity Re	econc ilia	atio	n Act of 1996,	Public L	.aw 1	04-193,
4	2 USC 601,	et seq.	The De	partment	(formerly	y k	nown as the F	amily Ind	depe	ndence



Additionally, the claimant's inc ome incr eased upon the deat h of his wife and his receiving RSDI benefits. That factor evidently caused the claimant's income to increase to the extent that his MA coverage changed from Ad Care MA to a deductible MA.

The department testified that there had been additional changes to the claimant's deductible since the time of the hearing request. One change being that his payment of insurance premiums had caused his income to decrease and thus the deductible to decrease as well.

The department did not provi de the budget upon which this decision was based, and it is not part of the record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusion
of Law, and for the reasons stated on the record, finds that the Department
☐ did act properly when ☐ did not act properly when it ☐ changed the
claimant's case to a deducti ble and did not provide the proper documentation upon which that change was based.
Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes MA \square SDA \square CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.
☐ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Recalulate the claim ant's MA deductible and provide the claim ant with a budget upon which that decision is based.

Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 13, 2012

Date Mailed: June 13, 2012

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 **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
Re consideration/Rehearing Request

e consideration/Rehearing Reques P. O. Box 30639 Lansing, Michigan 48909-07322

MJB/cl

