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

#### IN THE MATTER OF:



Reg. No.: 2012-49901

Issue No.: 2026

Case No.:

Hearing Date: September 19, 2012

County: Oakland (03)

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 Claimant's reques to for a hearing graph of the Lambda for t

## <u>ISSUE</u>

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

#### FINDINGS OF FACT

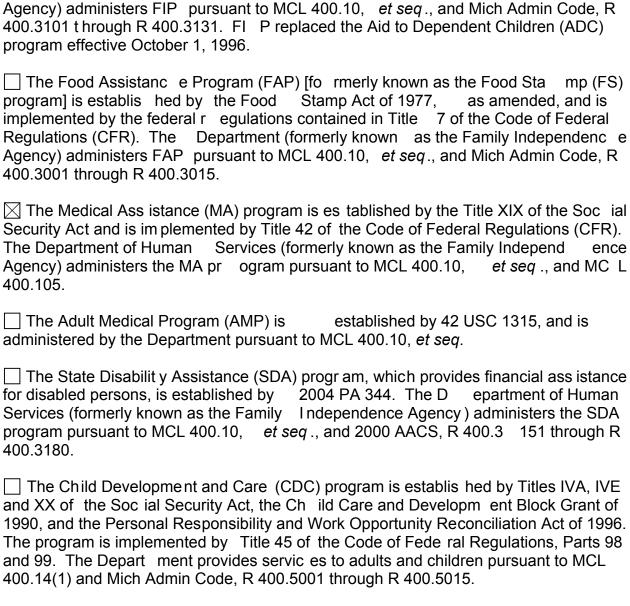
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. On May 1, 2012, the department closed the claimant's MA because her deductible had not been met for three consecutive months.
- 2. On May 4, 2012, the claimant requested a hearing to protest the closing of her 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	」 The Family	/ Indeper	ndence F	Program (	FIP) wa	s e	stablished pu	rsuant '	to the	Perso	nal
R	esponsibility	and W	ork Oppo	rtunity Re	econc ilia	atio	n Act of 1996,	Public	c Law	104-1	93,
4	2 USC 601,	et seq.	The De	partment	(formerly	y k	nown as the l	amily	Indep	enden	се



If a group has not met its deductible in at le ast one of the three calendar months before that month and none of the members are QMB, SLM or ALM eligible, Bridges will automatically notify the group of closure. (BEM 454, p.9). Here, the claimant's MA was closed for failure to meet the deductible in the previous three months.

During the hearing t he figures used to calculate the deductible were discussed. Claimant did not dispute the unearned income amounts of RSDI (\$833.00) and her pension (\$423) that were used to calculate her deductible. The Department representative testified as to the deductions that were applied in her case to calculate her monthly deductible. Claim and confirmed that she did not submit any medical expenses for the past three months. She testified that she did not know she had a deductible to meet, and further stated that she did not submit any medical expenses

because she did not have any. She testified that the did not go to the doctor because she could not afford to go.

As Claimant failed to meet her properly calculated MA deductible for the past three months, the Department properly closed her case.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the above I of Law, and for the reasons stated on the record, finds to did act properly when it closed the claimant's MA.	that the Department
Accordingly, the Department's ☐ AMP ☐ FIP ☐ FAP is ☑ AFFIRMED ☐ REVERSED for the reasons stated	
	an
	Michael J. Bennane
	Administrative Law Judge
	for Maura Corrigan, Director
	Department of Human Services

Date Signed: October 17, 2012

Date Mailed: October 17, 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
P. O. Box 30639
Lansing, Michigan 48909-07322

# MJB/ctl

