

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg No.: 2012-52768
Issue No.: 2014
Case No.: [REDACTED]
Hearing Date: September 12, 2012
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, September 12, 2012. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly denied the Claimant's March 29, 2012 application for Medical Assistance ("MA") benefits due to excess income?

FINDINGS OF FACT

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

1. The Claimant submitted an application for MA benefits on March 29, 2012.
2. The Claimant, and her spouse, received Retirement, Survivor, Disability Insurance ("RSDI") income in the gross monthly amount of \$2,689.00. (Exhibit 1, pp. 11 – 13)
3. The SSI Related Medicaid income limit is \$1656.00. (Exhibit 1, p. 17)

4. On May 7, 2012, the Department sent a Notice of Case Action to the Claimant informing her that she was denied MA benefits due to excess income. (Exhibit 1, p. 3)
5. On May 14, 2012, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 2)

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105, p. 1 (October 2010). Medicaid is also known as Medical Assistance. BEM 105, p. 1 (October 2010). The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. BEM 105, p. 1 (October 2010). The Medicare Savings Programs are SSI-related MA Categories. BEM 165, p. 1 (October 2010). The three Medicare Savings Programs are Qualified Medicare Beneficiaries (also known as full-coverage QMB); Specified Low-Income Medicare Beneficiaries (also referred to as limited coverage QMB); and Additional Low-Income Medicare Beneficiaries (also known as ALMB or Q1). BEM 165, p. 1 (October 2010).

Income eligibility exists when net income is within the limits established in RFT 242. BEM 165, p. 6 (October 2010). RSDI income is counted as unearned income. BEM 503, p. 21 (October 2011). Federal law requires that for January, February and March, the RSDI cost-of-living increased received starting in January be disregarded for fiscal group members and the income limits for the preceding December is used. BEM 165, p. 6 (October 2010). For all other months, countable RSDI means the countable amount for the month being tested. BEM 165, p. 6 (October 2010). In March 2012 the income limit for a group size of two under the ALMB program was \$1,640.00. RFT 242, p. 1 (October 2011). This figure increased to \$1656.00 effective May 1, 2012. RFT 242, p. 1 (May 2012).

In this case, the Claimant and her spouse received RSDI income of \$2,669.00/month. As such, the Claimant's income exceeded the maximum income limits. In light of the foregoing, the denial of MA benefits was correct. Ultimately, the Department established it acted in accordance with Department policy when it denied the Claimant's March 29, 2012 MA application based on excess income. Accordingly, the Department's MA determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it denied the Claimant's March 29, 2012 MA application based on excess income.

Accordingly, it is ORDERED:

The Department's MA determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: October 5, 2012

Date Mailed: October 5, 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 **MAY** 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.

2012-52768/CMM

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

CMM/tm

cc:

