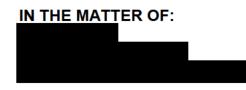
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2012-62769 Issue No.: 2026 Case No.: Hearing Date: October 3, 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 Claim ant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, October 3, 2012. The Claimant appeared, along with the second s

ISSUE

Whether the Department properly approv ed the Claimant's spouse for Medical Assistance ("MA") benefits with a \$400.00 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. The Claimant and his family are MA recipients.
- 2. The Claimant receives Supplem ental Security Income ("SSI") from the Socia I Security Administration ("SSA").
- 3. The Claimant's spouse's MA coverage requires she meets a \$400.00/deductible for the month tested. (Exhibit 1)
- 4. On June 4, 2012, the Department notif ied the Claimant of his s pouse's MA deductible.

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5. On July 9, 2012, the D epartment received the Claimant's written request for hearing protesting his spouse's MA deductible.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by t he Title XIX of the Social Security Act and is implemented by T itle 42 of the Code of F ederal Regulations. 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. Department policies are found in the Br idges Administra tive Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The goal of the Medicaid program is to ensure that essentia I health care s ervices are made available to those who otherwise could not afford them. B EM 105 (2010), p. 1. Medicaid is also known as Medica I Assistance ("MA"). BEM 105, p. 1. The Medicaid program is comprised of several categories ; one c ategory is for FIP recipie nts while another is for SSI recipients. BEM 105, p. 1. A fiscal group is established for each person requesting MA and budgetable income is determined for each fiscal grou p member. BEM 536 (2010), p. 1. A multi-s tep process is utilized when determining a fiscal group member's income. BEM 536, p. 1.

The fiscal group's monthly exc ess income is called a deductible amount. BEM 545 (2011), p. 9. Deductible is a process which allows a client with excess income to become eligible for Group 2 MA if sufficient allowable medical expenses are inc urred. BEM 545, p. 8. Each calendar month is a separat e deductible period. BEM 545, p. 8. The group must report expenses by the last day of the third month following the month it seeks MA coverage for. BEM 545, p. 9.

In this case, the Claimant applied for MA benefits for himself and his family. The Claimant's children were appr oved under the Healthy Kids program and the Claimant was approved based on his dis ability. The Claim ant receives SSI; t herefore, a prorate share must be c onsidered when determining t he Claimant's spouse's MA eligibility. In doing s o, the spouse is eligible for MA benefits with a \$400.00 monthly deductible. Ultimately, the Departm ent established it ac ted in accordance with Department policy when it determined the Claim ant's spouse's M A eligibility. 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 Depar tment establis hed it acted in accordance with policy when determining the Claimant's spouse's MA eligibility.

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Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

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

Date Signed: October 12, 2012

Date Mailed: October 12, 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 order 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

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

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