

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201244419
Issue No: 2014
Case No: [REDACTED]
Hearing Date: June 13, 2012
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on Wednesday, June 13, 2012. Claimant appeared with her authorized [REDACTED].

ISSUE

Was excess income established?

FINDINGS OF FACT

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

1. On March 13, 2012, the Department of Human Services (DHS) terminated the Claimant's MA-P Adult Care based on excessive income per BEM 544, with a hearing request on March 23, 2012.
2. Claimant was a group size of 1 member
3. Claimant's gross monthly unearned income was [REDACTED].
4. Protective monthly income was [REDACTED] per RFT 240.
5. Claimant had no health insurance expenses, Medicare premium or guardian fees.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in

the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

Based on the undisputed facts and DHS policy requirements above, the Claimant does not disagree with the correctness of the excess income determination. She claims that the policy is unfair, as described in the hearing record. She feels that an equitable exception should be made to the DHS policy. But, she recognizes that this Administrative Law Judge (ALJ) has no legal authority to make exceptions to DHS policy requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that excessive income was established.

Accordingly, MA-P Adult Care termination is **UPHELD**.

/s/
William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 14, 2012

Date Mailed: June 14, 2012

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

WAS/tb

cc:

