

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-62769
Issue No.: 2026
Case No.: [REDACTED]
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 Claimant'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 [REDACTED], and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED] and [REDACTED].

ISSUE

Whether the Department properly approved the Claimant's spouse for Medical Assistance ("MA") benefits with a \$400.00 deductible?

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 and his family are MA recipients.
2. The Claimant receives Supplemental Security Income ("SSI") from the Social 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 notified the Claimant of his spouse's MA deductible.

5. On July 9, 2012, the Department 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 the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal 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 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 (2010), p. 1. Medicaid is also known as Medical Assistance ("MA"). BEM 105, p. 1. The Medicaid program is comprised of several categories; one category is for FIP recipients 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 group member. BEM 536 (2010), p. 1. A multi-step process is utilized when determining a fiscal group member's income. BEM 536, p. 1.

The fiscal group's monthly excess 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 incurred. BEM 545, p. 8. Each calendar month is a separate 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 approved under the Healthy Kids program and the Claimant was approved based on his disability. The Claimant receives SSI; therefore, a prorated share must be considered when determining the Claimant's spouse's MA eligibility. In doing so, the spouse is eligible for MA benefits with a \$400.00 monthly deductible. Ultimately, the Department established it acted in accordance with Department policy when it determined the Claimant's spouse's MA 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 Department established 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.

Colleen M. Mamelka

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 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.

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

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CMM/ctl

cc:

[REDACTED]
Wayne County DHS (19)

C.

[REDACTED]
Mamelka