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

IN THE MATTER OF:



Reg. No.: 2012-65795

Issue No.: 2026

Case No.:

Hearing Date: November 5, 2012

County: Oakland (04)

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 Claim ant's request for a hearing. After due notice, a telephone hearing was held on November 5, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the claimant. Participants on behalf of the Department of Human Services (Department) included

<u>ISSUE</u>

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

FINDINGS OF FACT

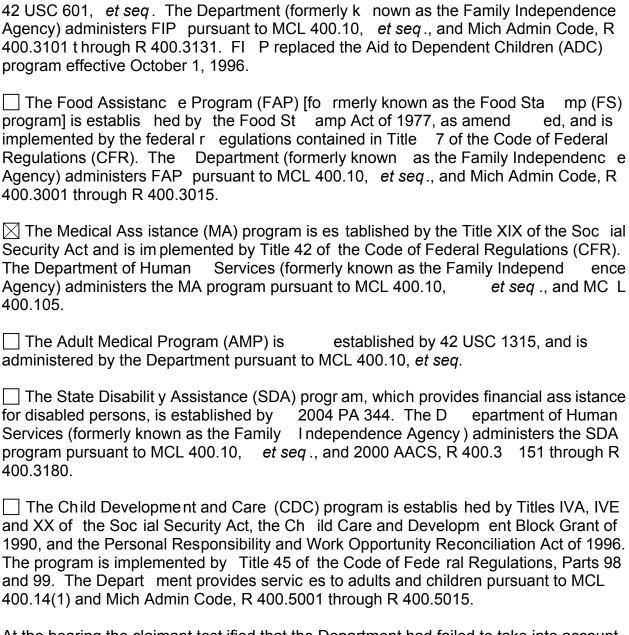
The Administrative Law Judge, based on t he competent, material, and substa ntial evidence on the whole record, finds as material fact:

- 1. On July 6, 2012, the Departm ent sent the claimant a notice of case action, showing a deductible of \$227.00 per month.
- 2. On July 27, 2012, the claimant request ed a hearing to protest the amount of the deductible.

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).

☐ The Famil	y Independen	ce Progran	n (FIP) wa	as est	tablished	l pursi	ant to the	Personal
Responsibility	y and W ork C	pportunity	Reconc il	iation /	Act of 19	96, F	Public Law	104-193,



At the hearing the claimant test ified that the Department had failed to take into account certain expenses recognized in the deductib le budget. Specific ally, the claimant testified that she and her s pouse had ongoing medical expenses. It was not clear from the record that the claimant had previously submitted such expenses.

For Group 2, eligibility is possible even when net income exceeds the income limit. This is because incurred medical expenses are us ed when determining eligibility for FIP - related and SSI-related Group 2 categories. (BEM 105, p.1, July 6, 2012).

DECISION AND ORDER

of Law, and for the reasons stated on the record, finds that ⊠ did act properly when it calculated the claimant's MA de properly when .	the Department_
Accordingly, the Department's AMP FIP FAP AFFIRMED REVERSED for the reasons stated o may submit documentation of ongoing medical expenses.	
	Michael J. Bennane
	Administrative Law Judge
	for Maura Corrigan, Director

Department of Human Services

Date Signed: January 3, 2013

Date Mailed: January 3, 2013

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

2012-65795/MJB

MJB/cl

