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

### IN THE MATTER OF:



Reg. No.:	2013-30183		
Issue No.:	2019		
Case No.:			
Hearing Date:	May 29, 2013		
County:	Oakland (03)		

# ADMINISTRATIVE LAW JUDGE: Jan Leventer

# **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's brother and legal guardian, **Services**. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included **Services**, Assistance Payments Worker Supervisor.

### **ISSUE**

Did the Department properly **X** approve Claimant's application  $\Box$  close Claimant's case for:

Family Independence Program (FIP)?

Food Assistance Program (FAP)?

**X** Medical Assistance (MA)?

Adult Medical Assistance (AMP)?

State Disability Assistance (SDA)?

Child Development and Care (CDC)?

# FINDINGS OF FACT

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

- 1. Claimant **X** applied for benefits:
  - Family Independence Program (FIP).
  - Food Assistance Program (FAP).
  - **X** Medical Assistance (MA).

- Adult Medical Assistance (AMP).
- State Disability Assistance (SDA).
- Child Development and Care (CDC).

- 2. On January 29, 2013, the Department approved Claimant's application with a required Patient Pay Amount (PPA or deductible).
- 3. On January 29, 2013, the Department sent
  X Claimant Claimant's Authorized Representative (AR)
  X approval. Closure.
- 4. On February 11, 2013, Claimant filed a hearing request, protesting the X approval of the application with a PPA requirement.

#### CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

**X** 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 (CFR). 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.

Additionally, the Department's Bridges Eligibility Manual (BEM) 545, "MA Group 2 Income Eligibility," requires that customers with excess income to pay a Patient Pay Amount, or deductible, in order to receive MA benefits. Department of Human Services Bridges Eligibility Manual (BEM) 545 (2011), pp. 8-9.

At the hearing in this case the Claimant's MA budget was reviewed for accuracy. Having considered the Claimant's income and deductions, as well as all of the evidence and testimony in this case considered as a whole, it is found and determined that the Department acted correctly in denying assisted living expenses as an expense deduction in calculating Claimant's PPA. Assisted living fees in an adult foster care facility are not considered medical expenses for Medicaid benefit level purposes. *Id.*, p. 16.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

<b>X</b> properly denied Claimant's application	improperly denied Claimant's application
properly closed Claimant's case	improperly closed Claimant's case

for:	AMP	FIP [	FAP <b>X</b> MA	🗌 SDA 🗌	CDC.
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# DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department:

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**X** did act properly. did not act properly.

Accordingly, the Department's AMP FIP FIP FAP **X** MA SDA CDC decision is **X** AFFIRMED REVERSED for the reasons stated on the record.

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Jan Leventer Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: <u>June 11, 2013</u> Date Mailed: <u>June 12, 2013</u>

**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 <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 affect the substantial rights of the claimant:
  - 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

JL/tm

CC:

