

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

IN THE MATTER OF:

██████████
██
████████████████████

Reg. No.: 2013-31945
Issue No.: 2026
Case No.: ██████████
Hearing Date: June 6, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 June 6, 2013, from Detroit, Michigan. Claimant and her ██████████, appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist.

ISSUE

Did the Department properly provide Claimant Medical Assistance (MA) coverage with a \$591.00 monthly 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. Claimant was previously receiving MA under a Supplemental Security Income related MA program.
2. Claimant then began receiving Retirement, Survivors, Disability Insurance (RSDI) as opposed to SSI, and her MA eligibility was redetermined.
3. On February 14, 2013, the Department sent Claimant a Notice of Case Action, notifying her that she had been approved for MA with a deductible of \$591.00 effective February 1, 2013. (Exhibit 1)

4. On February 21, 2013, Claimant filed a hearing request, disputing the Department's action.

CONCLUSIONS OF LAW

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

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.

In this case, Claimant was an ongoing recipient of MA under an SSI related MA program until she began receiving RSDI federal benefits. Because she was no longer receiving SSI, the Department redetermined Claimant's MA eligibility and approved her for MA, with a deductible of \$591.00 per month. Claimant requested a hearing to dispute the Department's calculation of her \$591.00 monthly MA deductible effective February 1, 2013.

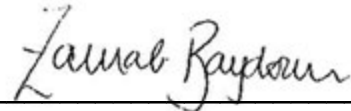
Individuals are eligible for Group 2 MA coverage when net income (countable income minus allowable income deductions) does not exceed the applicable Group 2 MA protected income levels (PIL), which is based on shelter area and fiscal group size. BEM 105 (October 2010), p 1; BEM 166 (October 2010), pp 1-2; BEM 544 (August 2008), p 1; RFT 240 (July 2007), p 1. The monthly PIL for an MA group of one (Claimant) living in Oakland County is \$408.00 per month. RFT 200 (July 2007), p 1; RFT 240, p 1. Thus, if Claimant's net monthly income is in excess of the \$408.00, she may become eligible for assistance under the deductible program, with the deductible being equal to the amount that her monthly income exceeds \$408.00. BEM 545 (July 2011), p 1.

At the hearing, the Department produced an SSI-Related MA budget showing how the deductible in Claimant's case was calculated. (Exhibit 2). The Department determined that Claimant had unearned income of \$1,031.00 which came from RSDI benefits and child support. (Exhibits 3 and 4). Claimant verified that she received gross monthly RSDI benefits of \$721.00 and child support in the amount of \$310.50. The Department properly subtracted the \$20.00 disregard and the \$12.00 COLA exclusion to establish Claimant's total net income for MA purposes at \$999.00. BEM 530 (October 2012), p 1; BEM 541 (January 2011), p 3. Claimant had not presented the Department with any other medical expenses she incurred that qualified as need items under policy. See BEM 541; BEM 544.

Because Claimant's net income of \$999.00 for MA purposes exceeds the monthly protected income level of \$408.00 by \$591.00, the Department calculated Claimant's monthly \$591.00 MA deductible in accordance with Department policy.

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 acted in accordance with Department policy when it calculated Claimant's monthly MA deductible. Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 24, 2013

Date Mailed: June 24, 2013

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

2013-31945/ZB

ZB/cl

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