

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

**IN THE MATTER OF:**



Reg. No.: 2013-36250  
Issue No.: 2018; 2026  
Case No.: [REDACTED]  
Hearing Date: April 24, 2013  
County: Wayne (18)

**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 April 24, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

**ISSUE**

Did the Department properly provide Claimant Medical Assistance (MA) coverage with a \$593.00 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 an ongoing recipient of MA.
2. On March 06, 2013, the Department sent Claimant a Notice of Case Action, notifying her that her MA deductible had increased from \$576.00 to \$593.00 effective April 1, 2013. (Exhibit 6)
3. On March 18 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.

Additionally, Claimant requested a hearing to dispute the Department's calculation of her \$593.00 monthly MA deductible effective April 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 Wayne County is \$375.00 per month. RFT 200 (July 2007), p 1; RFT 240, p 1. Thus, if Claimant's net monthly income is in excess of the \$375.00, she may become eligible for assistance under the deductible program, with the deductible being equal to the amount that his monthly income exceeds \$375.00. 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 3). Claimant verified that she received gross monthly Retirement, Survivors, and Disability Insurance (RSDI) benefits of \$988.00. The Department properly subtracted the \$20.00 disregard to establish Claimant's total net income for MA purposes at \$968.00. 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 \$968.00 for MA purposes exceeds the monthly protected income level of \$375.00 by \$593.00, the Department calculated Claimant's monthly \$593.00 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.

  
\_\_\_\_\_  
**Zaihab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 29, 2013

Date Mailed: April 29, 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

ZB/cl  
cc:

