

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 20134212  
Issue No.: 2026  
Case No.: [REDACTED]  
Hearing Date: February 13, 2013  
County: Tuscola

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on November 3, 2010. Claimant did not appear. Claimant was represented by [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) acted in compliance with Department policy when it determined Claimant's eligibility for Medical Assistance (MA) benefits.

**FINDINGS OF FACT**

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

1. The Claimant is an ongoing Medical Assistance (MA) recipient with a patient deductible of \$ [REDACTED]
2. On May 23, 2012, the Claimant reported that she had incurred medical expenses and would require Medical Assistance (MA) benefits.
3. On May 24, 2012, the Department received verification of medical expenses incurred on May 23, 2012, totaling \$ [REDACTED]
4. On May 29, 2012, the Department received verification of medical expenses incurred on May 25, 2012, totaling \$ [REDACTED]

5. On May 31, 2012, the Department determined that the Claimant had met her deductible and activated her Medical Assistance (MA) benefits as of May 23, 2012.
6. In June of 2012, the Department received additional verification of medical expenses incurred before the activation date of May 23, 2012.
7. On September 11, 2012, the Department determined the Claimant's Medical Assistance (MA) benefits would not cover the medical expenses incurred before May 23, 2012.
8. On September 20, 2012, the Department received the Claimant's request for a hearing, protesting the Department's determination that her Medical Assistance (MA) benefits would not cover the expenses incurred before May 23, 2012.

### **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 (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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers:

Monthly deductible is a process by which a person or household with excess income may qualify for MA coverage. Meeting a deductible means reporting and verifying allowable medical expenses that equal or exceed the monthly deductible amount for the calendar month being tested. For clients not in long term care and who do not have hospitalization expenses for a particular month; if allowable medical expenses exceed the excess income, income eligibility begins the day the expenses exceeded the income. Expenses may be reported that were incurred during the same month, but prior to the date coverage has been authorized for that particular month. Do not alter the MA eligibility begin date if you have already authorized coverage. Bridges Eligibility Manual (BEM) 545; 42 CFR 435.831 (b)-(d); MCL 400.106, .107.

In this case, the Administrative Law Judge has examined the record and the Department policy and finds that the Department properly determined Claimant's MA begin date to be May 23, 2012. The Department used proofs provided by Claimant when it determined eligibility. According to those proofs, Claimant exceeded the monthly deductible on May 23, 2012. The Claimant did not report or provide proof of additional medical expenses for the month of May 2012 until after MA coverage was authorized. The Department properly did not alter the MA begin date to an earlier date after coverage had already been authorized.

Accordingly, the Department has met its burden of proof and its action must be upheld.

**DECISION AND ORDER**

The Administrative Law Judge based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with Department policy when it determined Claimant's eligibility for Medical Assistance benefits.

Accordingly, the Department's action is, hereby, **UPHELD**.

/s/  
\_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: February 19, 2013

Date Mailed: February 19, 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.

20134212/KS

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

KS/tb

cc:

