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

## IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County: 2013-8144 2014

February 27, 2013 Kent County DHS

## ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

## **HEARING DECISION**

This matter is before the undersigned Administrative 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 March 27, 2013 from Lansing, Michigan. Participants on behalf of Claimant inc luded and a participants on behalf of Department of Human Services (Department) included and and and a second a second and a second a second a second and a second a second

#### ISSUE

Did the Department properly determine the Claimant's Medical Ass istance (MA) deductable amount?

# FINDINGS OF FACT

I find as material fact, based on the com petent, material, and su bstantial evidence on the whole record:

- 1. Claimant received MA benefits.
- 2. On October 15, 2012, the Claimant requested a hearing ch allenging his MA deductable amount.

## 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 MA program is established by the Titl e XIX of the Social Security Act and is implemented by T itle 42 of t he Code of F ederal Regulations (CFR). The Department (formerly known as the Fa mily Independence Agenc y) admin isters the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State of Michigan has se t guide lines for income, whic h determine if a Medicaid group is eligible. Income eligibility exists for the calendar month tested when there is no

excess income, or allowable medical expenses equal or exceed the exces s income (under the Deductible Guidelines). BEM 545.

After an extensive review of Claimant 's undisputed budget I have determined all calculations were properly made at review, and all M A issuance/budgeting rules were properly applied. As such, the Department's calculation of the Claimant's MA deductable is upheld.

## DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law that the Department acted in accordance with policy in determining Claimant's MA deductable.

The Department's actions are **AFFIRMED**.

fact

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: March 28, 2013

Date Mailed: March 28, 2013

**NOTICE:** Michigan Administrative Hearing S ystem (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 errors, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address ot her relevant iss ues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings

Recons ideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

# CAA/las

