

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-15857
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Kalamazoo (00)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] of [REDACTED], Inc. Participants on behalf of Department of Human Services (Department) included [REDACTED]

ISSUE

Whether the Department of Human Services (Department) acted in accordance with policy when it determined the 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.
2. On [REDACTED], the Department received verification of medical expenses incurred on [REDACTED] and determined that the Claimant had met her Medical Assistance (MA) deductible.
3. On [REDACTED], the Department received verification of medical expenses incurred on [REDACTED].
4. On [REDACTED], at the Department notified the Claimant that the [REDACTED] expenses would not be applied towards the Claimant's Medical Assistance (MA) benefits for [REDACTED].

5. The Department received the Claimant's request for a hearing on [REDACTED] protesting the Department's failure to include the [REDACTED] expenses in the [REDACTED] benefit period.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or Department) 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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. Department of Human Services Bridges Eligibility Manual (BEM) 545 (July 1, 2011), pp 8-10; 42 CFR 435.831 (b)-(d); MCL 400.106, .107.

This Administrative Law Judge has examined the records and the Department policy and finds that the Department properly determined that the Claimant's Medical Assistance (MA) begin date to be [REDACTED]. The Department used verification documents provided by the Claimant when it determined eligibility for [REDACTED]. The Claimant did not provide proof of additional medical expenses incurred for the month of [REDACTED] until after the Department had authorized Medical Assistance (MA) coverage. The Department did not alter the Medical Assistance (MA) begin date to an earlier date after coverage had already been authorized as directed by BEM 545.

Based on the evidence and testimony available during the hearing, the Department has established that it determined the Claimant's eligibility for Medical Assistance (MA) properly for [REDACTED]

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Medical Assistance (MA) eligibility.

The Department's Medical Assistance (MA) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

/s/

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 05/10/2013

Date Mailed: 05/10/2013

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

2013-15857/KS

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cc:

