

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 20135628
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: March 14, 2013
County: Macomb 36

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on March 14, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine that Claimant was not eligible for full coverage Ad-Care Medical Assistance (MA) due to excess income on September 26, 2012?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Medical Assistance (MA). Claimant's eligibility was due for redetermination by September 30, 2012.
- (2) On September 26, 2012, the Department ran an SOLQ to obtain current information on Claimant's Social Security Administration benefits. SSA reported that Claimant's gross Retirement, Survivors, Disability Insurance (RSDI) benefit was \$ [REDACTED]. The Department ran a Medical Assistance (MA) financial eligibility budget. Claimant was not eligible for full coverage Ad-Care Medicaid due to excess income. Claimant was sent a Notice of Case Action (DHS-1605) which stated she was eligible for deductible Medicaid coverage.
- (3) On October 7, 2012, Claimant submitted a request for hearing.

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) and the Program Reference Manual (PRM).

In her request for hearing Claimant asserts she is still eligible for full coverage Ad-Care Medicaid. Claimant bases that assertion on her net Retirement, Survivors, and Disability Insurance (RSDI) benefits. Department of Human Services Bridges Eligibility Manual (BEM) 503 Income, Unearned (2012) page 21 states that gross RSDI is used as unearned income for all assistance programs.

During the hearing Claimant also raised issues about the amount of her deductible coverage. Claimant's written request for hearing was very specifically directed at the issue of whether she was eligible for full coverage Medicaid. Nothing in her written request for hearing raised any question about the amount of her deductible. Department of Human Services Bridges Administration Manual (BAM) 600 Hearings (2012) page 2 states that a request for hearing about Medical Assistance (MA) must be in writing. The absence of a written request for hearing about Claimant's deductible amount prevents any authority to entertain that issue in this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined that Claimant was not eligible for full coverage Ad-Care Medical Assistance (MA) due to excess income on September 26, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/1/13

Date Mailed: 4/1/13

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

GFH/tb

cc:

