

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-37773
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: July 10, 2013
County: Oakland (63-03)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 July 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly provide Medical Assistance (MA) coverage to Claimant's wife subject to a \$316 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's wife is an ongoing recipient of MA coverage under the Group 2 Caretaker Relative (G2C) program.
2. In a March 19, 2013, Notice of Case Action, the Department notified Claimant that, effective May 1, 2013, the monthly deductible for his wife's MA coverage would increase to \$316.
3. On March 29, 2013, Claimant's wife filed a request for hearing disputing the Department's calculation of her MA deductible.

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, on March 19, 2013, the Department sent Claimant a Notice of Case Action notifying him that his wife's monthly deductible would increase to \$316 effective May 1, 2013. At the hearing, the Department explained that the increase was due to an increase in Claimant's Retirement, Survivors, and Disability Insurance (RSDI) benefits and a loss in Claimant's medical expense due to the State paying Claimant's Part B Medicare premium.

Clients are eligible for full MA coverage when net income does not exceed applicable Group 2 MA protected income levels (PIL) based on the client's shelter area and fiscal group size. BEM 135 (January 1, 2011), p. 2; BEM 544 (August 1, 2008), p. 1; RFT 240 (July 1, 2007), p. 1. In this case, the monthly PIL for an MA group of two (Claimant and his wife) living in Oakland County is \$541 per month. BEM 211 (November 1, 2012), p. 5; RFT 200 (July 1, 2007), p. 1; RFT 240, p. 1. If Claimant's wife's net monthly income is in excess of the applicable monthly PIL, she may be eligible for MA assistance under the deductible program, with the deductible equal to the amount that her monthly net income exceeds \$541, the applicable PIL. BEM 545 (July 1, 2011), p. 2.

The Department provided a copy of the G-2 FIP-Related MA-Net Income budget showing the calculation of Claimant's wife's MA net income and her deductible. The Department testified that, in calculating Claimant's wife's net income, it relied on Claimant's gross monthly RSDI income of \$1,161 and his wife's gross monthly RSDI income of \$145. At the hearing, Claimant verified that he and his wife lived together in Oakland County, that they had two minor children under the age of 18, that he received monthly RSDI income of \$1,161, and that his wife received monthly RSDI income of \$145. The evidence at the hearing established that Claimant's wife was not eligible for any other need deductions permitted under policy. See BEM 544, pp. 1-3.

A review of the MA budget shows that, based on the foregoing information, the Department calculated Claimant's total net income of \$857 in accordance with Department policy. See BEM 536 (October 1, 2010), pp. 1-5. Because Claimant's net income of \$857 exceeds \$541, the applicable PIL, by \$316, the Department calculated Claimant's wife's \$316 monthly deductible in accordance with Department policy.

Although Claimant also expressed concerns regarding his monthly Food Assistance Program (FAP) benefits at the hearing, because the hearing request he filed with the Department on March 29, 2013, that resulted in the present hearing identified the MA deductible as the only program at issue, the issue at the hearing was limited to the MA benefits. Claimant was advised to file another request for hearing concerning his FAP benefits if he wished to have a hearing concerning that issue.

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 determined that Claimant's wife was eligible for MA coverage subject to a monthly \$316 deductible.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 15, 2013

Date Mailed: July 16, 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 affect the substantial rights of the claimant,
 - the failure of the ALJ to address other relevant issues in the hearing decision.

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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

ACE/pf

cc:

