

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201353803
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: August 1, 2013
County: Allegan

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 August 1, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and her [REDACTED]. Participants on behalf of Department of Human Services (Department) included Family Independence Manager (FIM) [REDACTED].

ISSUE

Did the Department properly close the Claimant's SSI-Medical Assistance (MA) case and impose a deductible on her ongoing MA?

FINDINGS OF FACT

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

1. The Claimant was an SSI benefit recipient and was receiving MA as a result of her SSI eligibility.
2. On April 1, 2013, the Claimant was terminated from SSI-MA eligibility because her SSI ended.
3. The Claimant filed an application for MA Benefits.
4. The MA application was processed and the department determined that the Claimant was not eligible to receive full MA benefits because of excess income and she was given a deductible in the amount of \$ [REDACTED].
5. On April 25, 2013, the Department sent the Claimant notice that she would be eligible to receive MA benefits with a deductible of \$ [REDACTED] per month.

6. On May 2, 2013, the Claimant filed a request for a hearing to protest the closure of her SSI-MA case and the amount of her MA deductible.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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).

The Claimant testified that she no longer is disputing any issue with her medical bills as she now recognizes that the Department has paid those particular bills. Once her SSI benefits were cancelled, the Claimant was no longer eligible to receive Medical Assistance on a SSI category because Bridges Eligibility Manual (BEM) 150 (2013) p. 1, specifically requires that to be automatically eligible for MA, the Claimant must be an SSI recipient. Per BEM 105 (2010) p. 1, Michigan provides MA to eligible Claimants under two general classifications: group 1 and group 2 MA. Claimant qualified under the group 2 MA classification which consists of clients whose eligibility results from the state designating certain types of individuals as medically needy. Per BEM 545 (2011), in order to qualify for group 2 MA, a medically needy client must have income as equal to or less than the basic protected monthly income level.

Department policy sets forth a method for determining the basic maintenance level by considering:

1. Protected income level.
2. The amount deferred to dependent.
3. Health insurance premiums
4. Remedial services if determining the eligibility for claimants in Adult Care Homes.

In the instant case, there is no budget in evidence nor is there any verification of the Claimant's husband's income. Therefore, the record is lacking two critical pieces of evidence that the Administrative Law Judge would need to examine to make a proper determination of whether or not the Department was acting in accordance with its policy when determining the amount of the Claimant's deductible. Therefore, the evidence is insufficient to establish that the Department's determination that Claimant has excess income to be eligible for MA is in accordance with departmental policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department did act properly when. did not act properly when determining the deductible on the Claimant's MA case.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is **AFFIRMED** **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate action to re-determine the Claimant's eligibility/deductible for MA back to April 1, 2013, and
2. Initiate action to issue the Claimant any supplement she may thereafter be due.

/s/
Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/5/13

Date Mailed: 8/6/13

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.

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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

SEH/tb

cc:

