

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-37891
Issue No.: 2014
Case No.: ██████████
Hearing Date: June 19, 2013
County: Gogebic

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 hearing was held on June 19, 2013, in Bessemer, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Bobbi Jo Ferguson, County Director, ██████████, ES, and F ██████████. ██████████ Agent of the Office of Inspector General, was also present.

ISSUE

Did the Department properly deny Claimant's application for the Medicare Savings Program?

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 applied for the Medicare Savings Program.
2. On March 20, 2013, the Department denied Claimant's application due to income exceeding the limit for the program. (Exhibit 1, p.3)
3. At the time of the application, Claimant's gross unearned income was \$1,911.00 per month. (Exhibit 1, p.11)
4. On March 26, 2013, Claimant filed a hearing request, protesting the denial of the application. (Exhibit 1, p. 8)

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 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.

In the present case, Claimant applied for the Medicare Savings Program on March 15, 2013. Claimant did not deny at the hearing that at the time of the application, Claimant received \$1,911.00 in unearned income per month. After careful review of the budget presented by the Department (Exhibit 1, p. 11,) it is concluded that Claimant's income exceeded the limit for the program. See RFT 242.

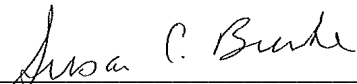
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied Claimant's application for the Medicare Savings Program.

It is noted that on March 26, 2013, Claimant signed a request for hearing regarding Cash Assistance, Medicaid, Child Development and Care, Food Assistance, and State Emergency Relief. Claimant's hearing requests were addressed in registration numbers, 2013-37887, 2013-37888, 2013-37889, 2013-37891, and 2013-42889. In addition, in Claimant's hearing request, he struck through all check boxes for all benefits, including Child Development and Care. However, Claimant does not claim to have children under his care, as he testified that he is the only member in his benefits group. Therefore, Child Development and Care is not addressed herein.

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 did act properly.

Accordingly, the Department's MA decision is AFFIRMED for the reasons stated within the record.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 25, 2013

Date Mailed: June 26, 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 mailing 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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
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