

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-40075
Issue No.: 2014, 3000
Case No.: [REDACTED]
Hearing Date: May 2, 2013
County: Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 May 2, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly determine the Claimant's Medical Assistance (MA) deductible amount?

FINDINGS OF FACT

I find as material fact, based on the competent, material, and substantial evidence on the whole record:

1. As of February 26, 2013, the Claimant received MA benefits.
2. On February 26, 2013, the Claimant returned a redetermination form to the Department. The redetermination indicated the Claimant's husband had returned to the home.
3. On or around March 14 2013, the Department added the Claimant's husband back into her group for MA and FAP purposes.
4. On March 14, 2013, the Department sent a notice of case action to the Claimant indicating the Claimant's MA deductible was increasing and FAP benefits were closing.
5. On March 22, 2013, the Claimant requested a hearing challenging the MA deductible increase and FAP closure.

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 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The FAP [formerly known as the Food Stamp (F S) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

In the present case, Claimant requested a hearing to dispute a FAP and MA issue. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the FAP action. Consequently, the Department agreed to do the following: initiate a redetermination as to the Claimant's eligibility for FAP benefits beginning April 1, 2013 and issue retroactive benefits if otherwise eligible and qualified. This leaves just the MA issue to be addressed.

The State of Michigan has set guidelines for income, which determine if a Medicaid group is eligible. Income eligibility exists for the calendar month tested when there is no excess income, or allowable medical expenses equal or exceed the excess income (under the Deductible Guidelines). BEM 545.

RSDI is a federal benefit administered by the Social Security Administration (SSA) that is available to retired and disabled individuals, their dependents, and survivors of deceased workers. The Department counts the gross benefit amount as unearned income. BEM 503.

For FIP-related MA, fiscal groups must be determined for each person requesting MA benefits. In determining a person's eligibility, the only income that may be considered is the person's own income and the income of the client's spouse and the client's parent(s) if the client is a child.

In this case, the Claimant was receiving FIP-related MA and therefore, the Department properly included the Claimant's husband's income in their determination as to the Claimant's eligibility for MA benefits.

Consequently, after an extensive review of Claimant's undisputed budget I have determined all calculations were properly made at review, and all MA issuance/budgeting rules were properly applied. As such, the Department's calculation of the Claimant's MA deductible is upheld.

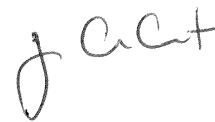
DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law that the Department acted in accordance with policy in determining Claimant's MA deductible.

The Department's actions are **AFFIRMED**.

ADDITIONALLY, THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Initiate a redetermination as to the Claimant's eligibility for FAP benefits beginning April 1, 2013 and issue retroactive benefits if otherwise eligible and qualified.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 7, 2013

Date Mailed: May 7, 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.

2013-40075/CAA

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

cc:

