

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 2013-42667
Issue No.: 2014
Case No.: [REDACTED]
Hearing Date: July 18, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 18, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department act in accordance with Department policy when it closed Claimant's Medical Assistance (MA) case based on excess income?

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 was an ongoing recipient of MA.
2. On April 17, 2013, the Department sent Claimant a Notice of Case Action, notifying her that her MA case would be closing effective May 1, 2013 because her income exceeded the limit. (Exhibit 1)
3. On April 19, 2013, Claimant filed a hearing request disputing the Department's actions.

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, Medicare Savings Programs (MSP) are SSI-related MA categories. Claimant was an ongoing recipient of MA under the Additional Low-Income Medicare Beneficiaries (ALMB) category of the MSP. BEM 165 (May 2013), p. 1. ALMB pays Medicare Part B premiums provided funding is available. BEM 165, p. 2. Income eligibility exists when net income is within the limits in RFT 242 or 247. The Department is to determine countable income according to the SSI-related MA policies in BEM 500 and 530, except as explained in COUNTABLE RSDI in this item. BEM 165, p. 6. The monthly income limit for a group size of two is \$1,745.00. RFT 242 (April 2013), p. 1.

In this case, Claimant was an ongoing recipient of MA under ALMB MSP program. Department found that due to excess income, Claimant was no longer eligible for MA. The Department notified Claimant of the intended closure of her MA case on April 17, 2013 with an effective closure date of May 1, 2013. (Exhibit 1). Claimant requested a hearing to dispute the closure of her MSP MA case.

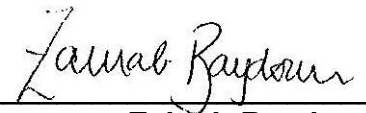
At the hearing, SSI Related Medicaid Income Budget Results was reviewed. (Exhibit 2). The Department determined that Claimant had unearned income of \$1,778.00 which came from Retirement, Survivors, Disability Insurance (RSDI) benefits for herself and her husband. (Exhibit 2). Claimant verified that she receives gross monthly RSDI benefits of \$832.00 and the Department also presented an SOLQ confirming this amount. (Exhibit 3). Relying on the SOLQ, the Department properly determined that Claimant's husband receives gross monthly RSDI benefits of \$946.90. (Exhibit 3). The Department also properly subtracted the \$20.00 disregard to establish that Claimant's total net income for MA purposes is \$1,758.00. BEM 530 (October 2012), p 1; BEM 541 (January 2011), p 3.

Because Claimant's net income of \$1,758.00 for MA purposes exceeds the monthly income limit of \$1,745.00, the Department did act in accordance with Department policy when it closed Claimant's MSP MA case due to excess income. RFT 242, p. 1.

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 closed Claimant's MSP MA case due to excess income. Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 7, 2013

Date Mailed: August 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.

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

ZB/cl

cc:

