

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

IN THE MATTER OF:

██████████
██████████

Reg. No.: 201343954
Issue No.: ██████████
Case No.: ██████████
Hearing Date: July 3, 2013
County: Saginaw

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 3, 2013, from Lansing, Michigan. Participants on behalf of Claimant included ██████████ and ██████████. Participants on behalf of Department of Human Services (Department) included ██████████ and ██████████.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for Medicare Savings Program benefits?

FINDINGS OF FACT

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

1. The Claimant was a limited Medicare Savings Program recipient under the SLM category.
2. The Claimant is a Retirement, Survivors, and Disability Insurance (RSDI) recipient and participant in the Right To Work (RTW) program.
3. The Claimant receives monthly earned in the gross monthly amount of ██████████.
4. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of ██████████.
5. On April 16, 2013, the Department notified the Claimant that her Medicare Savings Program benefits would close as of April 1, 2013, due to excess income.

6. The Department received the Claimant's request for a hearing on April 23, 2013, protesting the closure of her Medicare Savings Program benefits.

CONCLUSIONS OF LAW

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (January 1, 2013).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 405 (October 1, 2010), pp 6-7.

In this case, the Claimant does not dispute that she received bi-weekly earned income in the gross amounts of [REDACTED] and [REDACTED]. When the average of these bi-weekly paychecks is multiplied by the 2.15 multiplier, it produces a monthly countable income of [REDACTED]. The Claimant also receives Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED]. When both income sources are combined, the total monthly countable income exceeds the income limit to participate in the Medicare Savings Program. Department of Human Services Bridges Reference Table (RFT) 242 (April 1, 2013).

The Claimant's representative testified that the Department failed to consider medical expenses when determining her countable income.

However, the Claimant failed to establish that verification of medical expenses incurred by the Claimant were provided to the Department in a timely manner. Therefore, based on the best information available to the Department, the Claimant's monthly countable income was properly determined and properly applied towards the determination of her eligibility for the Medicare Savings Program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly closed the Claimant's Medicare Savings Program due to excess income.

The Department's Medicare Savings Program eligibility determination is **AFFIRMED**. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/12/2013

Date Mailed: 07/12/2013

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.

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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

KS/sw

cc:

