

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

IN THE MATTER OF:

████████████████████
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Reg. No.: 2014-5139
Issue No.: 2001
Case No.: ██████████
Hearing Date: February 19, 2014
County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on February 19, 2014, from Clinton Township, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
████████████████████

ISSUE

Whether the Department properly determined Claimant's Medical Assistance (MA) 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. On September 16, 2013, Claimant reported she had started receiving unemployment benefits in the amount of \$422 biweekly.
2. On October 4, 2013, the Department completed a new budget and included Claimant's unemployment benefits. This resulted in Claimant having excess income for MA benefits and, therefore, an MA deductible case was opened.
3. On October 4, 2013, the Department issued a notice of case action to Claimant.
4. On October 10, 2013, Claimant filed a hearing request.

5. The Department restored Claimant's full MA benefits based upon a timely hearing request.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

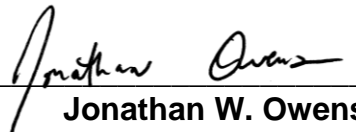
In the instant case, Claimant had been receiving MA benefits. On September 16, 2013, Claimant reported receiving unemployment benefits. The Department determined Claimant received \$422 biweekly in unemployment benefits. The Department completed a new budget and determined that Claimant now had excess income for MA benefits without a spend down. The Department, after determining Claimant's group size and allowing a proration of the income to be considered, determined Claimant had a net countable income of \$626 a month. This amount exceeds the protected income level of \$408. RFT 240, p. 1 (July 2007). The Department issued a notice of case action on October 4, 2013, indicating Claimant's MA case would change to a deductible case. Claimant's deductible was determined to be \$218 a month.

At hearing, Claimant acknowledged she did begin receiving unemployment benefits. Claimant testified her benefits ended after receiving unemployment benefits for the month of December 2013. Claimant no longer receives unemployment benefits as of January 2014. Claimant did not dispute the receipt of unemployment benefits.

This Administrative Law Judge finds, after reviewing the policy in question and considering the evidence presented, that Claimant's case was properly changed to a deductible case as of November 1, 2013. During the months of November and December 2013, Claimant had excess income for MA benefits and, therefore, would properly qualify for MA only after a \$218 deductible.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 11, 2014

Date Mailed: March 11, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

2014-5139/JWO

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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