

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-13263  
Issue No.: 2001  
Case No.: [REDACTED]  
Hearing Date: March 6, 2014  
County: Macomb(20)

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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, telephone hearing was held on Thursday, February 6, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and her [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

**ISSUE**

Due to excess income, did the Department properly  reduce Claimant's benefits for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?  | <input type="checkbox"/> Adult Medical Assistance (AMP)?    |
| <input type="checkbox"/> Food Assistance Program (FAP)?      | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)?  |

**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  received:  MA benefits.
2. On November 12, 2013, the Department  reduced Claimant's benefits due to excess income.
3. On November 12, 2013, the Department sent Claimant its decision.
4. On November 13, 2013, Claimant filed a hearing request, protesting 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, 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.

Additionally, the Claimant and her household were eligible for Transitional MA for one year only that ended on December 31, 2013. After the TMA eligibility period ended, the Department re-determined the Claimant's eligibility for MA. Department Exhibit 1-4. The Claimant receives Social Security RSDI of \$ [REDACTED] Department Exhibit 5. The Claimant's [REDACTED] [REDACTED] receives Social Security RSDI of \$ [REDACTED] Department Exhibit's 6. The Claimant's [REDACTED] [REDACTED] receives Social Security RSDI of \$ [REDACTED] Department Exhibit 7. The Claimant also received Child Support. Department Exhibit 8-9.

The Child's, [REDACTED] prorated income is \$ [REDACTED] The Claimant's prorated income is \$ [REDACTED] The Claimant's child share of the child's own income is \$ [REDACTED] The [REDACTED] [REDACTED]. Therefore, the Claimant's [REDACTED] total net income was \$ [REDACTED] for a fiscal group of 2 with an income limit of \$ [REDACTED] As a result, the Claimant's [REDACTED] had a MA deductible limit of \$ [REDACTED] which resulted from his net income of \$ [REDACTED] subtracted from the income limit of \$ [REDACTED] Department Exhibit A.

The [REDACTED] [REDACTED] prorated income is \$ [REDACTED] The Claimant's prorated income is \$ [REDACTED] The Claimant's child share of the [REDACTED] own income is \$ [REDACTED] The [REDACTED] [REDACTED]. Therefore, the Claimant's [REDACTED] total net income was \$ [REDACTED] for a fiscal group of 2 with an income limit of \$ [REDACTED] As a result, the Claimant's [REDACTED], qualified for Other Healthy Kids. Department Exhibit B.

As a result of her excess income the Claimant was determined eligible for a MA Spend down/Deductible case. The Adult's prorated income is \$ [REDACTED] The Adult's Share of the Adult's own income was \$ [REDACTED] Therefore, the Claimant's total net income was \$ [REDACTED] for a fiscal group of 1 with an income limit of \$ [REDACTED] and an insurance premium of \$ [REDACTED] As a result, the Claimant's had a MA deductible limit of \$ [REDACTED] which resulted from her net income of \$ [REDACTED] subtracted from the income limit of \$ [REDACTED] and an insurance premium of \$ [REDACTED] Department Exhibit c. BEM 105, 111, 131, and 135.

The Department has met its burden that the Claimant is eligible for MA with a deductible of \$ [REDACTED] that she has to meet before being eligible for MA, the Claimant's [REDACTED] [REDACTED] has a deductible of \$ [REDACTED] that he has to meet before being eligible for MA due to excess income, and the Claimant's [REDACTED] [REDACTED] was eligible for OHK .

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy when it that the Claimant is eligible for MA with a deductible of \$ [REDACTED] that she has to meet before being eligible for MA, the Claimant's [REDACTED] has a deductible of \$ [REDACTED] that he has to meet before being eligible for MA due to excess income, and the Claimant's [REDACTED], was eligible for OHK .

**DECISION AND ORDER**

Accordingly, the Department's decision is  **AFFIRMED**.

*Carmen G. Fahie*

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Carmen G. Fahie  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 3/26/14

Date Mailed: 3/27/14

**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 Claimant;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

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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

CGF/tb

cc:

