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

**IN THE MATTER OF:**

[redacted]

Reg. No.: 14-013924
Issue No.: 2001; 2007
Case No.: [redacted]
Hearing Date: February 25, 2015
County: MACOMB-DISTRICT 36

**ADMINISTRATIVE LAW JUDGE: Susan C. Burke**

## 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, a telephone hearing was held on February 25, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [redacted], Hearings Facilitator.

## ISSUE

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

## FINDINGS OF FACT

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

1. On [redacted], Claimant requested a hearing regarding MA eligibility.

2. Claimant gave birth to a child on [redacted].

3. The Department denied Claimant's MA eligibility due, in part, to Claimant not being a caretaker relative, effective [redacted].

4. The Department determined that Claimant had a deductible for MA, effective [redacted].

5. During the hearing, the Department did not present supporting documentation and a complete budget showing how it determined Claimant's MA spend down/eligibility.

## 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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

BEM 536 (1/2014), pp. 1 details determination of budgetable income for MA. In the present case, the Department failed to present supporting documentation showing how it reached Claimant's MA deductible. For instance, for the month of November of 2014, the Department showed a deductible of $800.00 based on the income of Claimant's spouse. (Exhibit 6, p. 3) However, the Department did not submit documentation, such as an SOLQ which supported how the Department determined the income of Claimant's spouse. Without such supporting documentation for review, it cannot be concluded that the Department was correct in its determination of Claimant's MA deductible.

In addition, the Bridges Notice Reason (Exhibit 5) states that Claimant was not eligible due to, among other reasons, Claimant not being a caretaker of a minor child. However, the Department's own Hearing Summary indicates that Claimant is a caretaker of a minor child. Therefore, the Department was not correct in denying Claimant's MA due to Claimant not being a caretaker of a minor child.

It is noted that Claimant's Food Assistance Program (FAP) case was discussed in the hearing, but Claimant did not specifically request a hearing regarding FAP and Claimant's FAP application was pending as of the date of her request for hearing, with no negative action being taken as of the date of Claimant's request for hearing. Therefore, the Administrative Law Judge did not have jurisdiction to hear any FAP issue.

It is also noted that Claimant, in her hearing request, complained of her worker's professionalism, which issue is beyond the jurisdiction of this Administrative Law Judge.

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

failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's MA application due to Claimant not being a caretaker relative and when it determined Claimant's MA deductible.

## DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Re-determine Claimant's MA eligibility, effective [redacted].
2. Notify Claimant in writing of the Department's determination regarding MA eligibility.
3. Notify Claimant in writing if the Department determines that Claimant has an MA deductible.

**Susan C. Burke**
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/6/2015**

Date Mailed: **3/6/2015**

SCB / hw

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc: [redacted]