

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-002476
Issue No.: 2000, 2007, 3000, 4001
Case No.: [REDACTED]
Hearing Date: March 18, 2015
County: KALAMAZOO

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 March 18, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself and her health care advocate, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED]. It was determined during this hearing that there was no jurisdiction over a Food Assistance Program or Medical Assistance issue. Those portions are dismissed.

ISSUE

Did the Department properly deny Claimant's January 17, 2015 application for State Disability Assistance Program?

Did the Department properly deny Claimant's January 17, 2015 application for Medicare Savings Program benefits?

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 January 17, 2015, Claimant submitted an application for Medical Assistance, Medicare Savings Program, Food Assistance Program and State Disability Assistance Program benefits.
2. On January 20, 2015, Claimant was sent a Health Care Coverage Determination Notice (DHS-1606) which stated her Medicare Savings Program application was denied due to excess income.

3. On January 20, 2015, Claimant was sent a Notice of Case Action (DHS-1605) which stated her State Disability Assistance Program application was denied due to excess income.
4. On February 9, 2015, Claimant submitted a hearing request. On the date of this hearing request, the Department had not yet made a Medical Assistance or Food Assistance Program eligibility determination.

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.

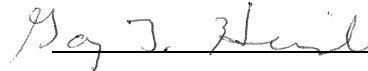
The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

During this hearing, Claimant's Social Security Administration income was verified as \$ [REDACTED]. The Medicare Savings Program income limits are contained in RFT 242 AD Care and Medicare Savings Program Income Limits. A single member group, such as Claimant, is not eligible for Medicare Savings Program benefits if their income exceeds \$ [REDACTED]. The State Disability Assistance Program payment standards are contained in RFT 225 SDA Monthly Assistance Payment Standards Table. An individual in an independent living arrangement, such as Claimant, has a \$200 payment standard.

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 acted in accordance with Department policy when it denied Claimant's January 17, 2015 application for Medicare Savings Program and State Disability Assistance Program benefits.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/23/2015**

Date Mailed: **3/23/2015**

GFH/hj

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:

