



The Delaware Code (31 Del. C. §520) provides for judicial review of hearing decisions. In order to have a review of this decision in Court, a notice of appeal must be filed with the clerk (Prothonotary) of the Superior Court within 30 days of the date of the decision. An appeal may result in a reversal of the decision. Readers are directed to notify the DSS Hearing Office, P.O. Box 906, New Castle, DE 19720 of any formal errors in the text so that corrections can be made.

**DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES**

In re:

DCIS No. Redacted

Redacted

Appearances: Redacted, pro se, Appellant

Kinesha Ellegood, Sr. Social Worker/Case Manager, Division of Social Services
Rochelle Hayes, Social Worker/Case Manager, Division of Social Services

I.

Redacted ("Appellant") opposes a decision by the Division of Social Services ("DSS") to deny her medical assistance benefits, based upon being over the income limit for a household of one (1).

The Division of Social Services ("DSS") contends that the Appellant is over the income limit for a household of one (1) and that they properly denied Appellant's medical assistance benefits.

II.

On December 29, 2009, DSS sent to Appellant a Notice to Deny Your Medical Assistance, effective December 1, 2009. (Exhibit 3)

On January 4, 2010, the Appellant filed a request for a fair hearing and requested that benefits continue until a hearing decision was issued. (Exhibit 2). According to the Fair Hearing Summary benefits have continued. (Exhibit 1)

The Appellant was notified by certified letter dated March 22, 2010, that a fair hearing would be held on April 13, 2010. The hearing was conducted on that date in Wilmington, Delaware.

This is the decision resulting from that hearing.

III.

The Appellant applied for medical assistance benefits on December 10, 2010. The agency learned that the Appellant was receiving \$330.00 per week in unemployment compensation payments. Pursuant to the requirements of Delaware Social Services Manual ("DSSM") 16230, \$330.00 was multiplied by a

factor of 4.33 to account for months that have five (5) weeks, and the calculation resulted in a gross income figure of \$1,428.90. ($\$330.00 \times 4.33 = \$1,428.90$). In this case, the Appellant did not receive an earned income deduction (disregard) of \$90.00 because none of her income is considered earned under DSSM 16250.

Pursuant to DSSM 16230, countable income is used to determine eligibility for benefits. DSSM 16230 defines countable income as earned or unearned income minus any disregards, if applicable. Accordingly, DSS determined that the Appellant's monthly income amounted to \$1,428.90. DSS applied a monthly income limit for a family of one (1) of \$903.00 and denied the Appellant's medical assistance.

The Appellant testified that her medical bills and household bills exceed \$903.00 per month. She cannot afford to pay for medication or doctor bills based upon her current income. Her treating physician submitted a statement that her impairments include: attention deficit hyperactivity disorder, bipolar disorder and panic disorder. (Exhibit 4).

Pursuant to DSSM 16230.1.1, DSS is only permitted to utilize gross income, and not net income (after expenses), for purposes of eligibility. As this benefit is based solely on income, there are no deductions made for medical or other expenses and a person's medical condition is not taken into consideration when determining eligibility.

Based upon the information provided, DSS correctly determined that the Appellant's total monthly household countable income is over the income limit for a family of one (1). As a result, substantial evidence supports the agency's decision to send the Appellant a Notice to Deny Your Medical Assistance.

IV.

For these reasons, the December 29, 2009 decision of the Division of Social Services to deny the Appellant's Medical Assistance effective December 1, 2009 is AFFIRMED.

Date: May 3, 2010



MICHAEL L. STEINBERG, J.D.
HEARING OFFICER

THE FOREGOING IS THE FINAL DECISION OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

May 3, 2010
POSTED

cc: Redacted
R. Hayes, Team 806
K. Ellegood, Team 806
Lenora Miller, Team 806

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Hearing Summary consisting of two (2) pages date-stamped January 20, 2010.

EXHIBIT #2 – Copy of the Appellant's request for a fair hearing date-stamped January 29, 2010, consisting of one (1) page.

EXHIBIT #3 – Copy of the Notice to Deny Your Medical Assistance dated December 29, 2009, consisting of two (2) pages.

EXHIBIT #4 – Copy of the Appellant's medical and financial documentation consisting of six (6) pages.