



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

Inez Roach, Sr. Social Worker/Case Manager, Team #710, Division of Social Services

I.

Redacted ("Appellant") opposes a decision by the Division of Social Services ("DSS") to close 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).

II.

On March 15, 2010, DSS sent to Appellant a Notice to Close Your Medical Assistance, effective march 31, 2010. (Exhibit 3)

On March 27, 2010, the Appellant filed a request for a fair hearing requesting that benefits continue during the pendency of the case. (Exhibit 2) According to the Fair Hearing Summary dated April 5, 2010, benefits have continued. (Exhibit 1)

The Appellant was notified by certified letter dated April 28, 2010, that a fair hearing would be held on May 24, 2010. The hearing was conducted on that date in Dover, Delaware.

This is the decision resulting from that hearing.

III.

DSS testified that when the Appellant submitted her annual renewal form on February 23, 2010, she indicated that she received both social security disability payments and a pension. DSS testified that the Social Security Administration pension, in the amount of \$1201, was verified using Data Exchange. After entering this income information into the calculations for Appellant's case, the agency determined that her gross monthly income amounted to \$1201.00 per month.

Pursuant to the Division of Social Services Manual (“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. In this case, the Appellant received no disregards because the household’s income is considered unearned under DSSM 16230. Accordingly, DSS determined that the Appellant’s monthly income amounted to \$1201.00. DSS applied a monthly income limit for a family of one (1) amounting to \$903.00 and closed Appellant’s medical assistance benefits.

In her request for a fair hearing dated March 27, 2010, the Appellant stated that she was currently receiving disability payments for multiple medical conditions, including diabetes mellitus, nerve damage, high blood pressure, and vertigo. The Appellant testified at the hearing that she could not afford health insurance. Further, she testified that without health insurance, just her monthly supply of insulin would cost \$800, and that the expenses for physician visits and her other medication would raise that cost even more. The Appellant testified that her monthly medical costs were more than she received in a month.

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 countable income is over the income limit for a family of one (1). As a result, the Appellant was properly sent a Notice to Close Your Medical Assistance. I conclude that substantial evidence supports DSS’ decision to close the Appellant’s medical assistance benefits.

IV.

For these reasons, the decision of the Division of Social Services to close Appellant’s Medical Assistance benefits effective March 31, 2010 is AFFIRMED.

Date: June 3, 2010



MICHAEL L. STEINBERG, J.D.
HEARING OFFICER

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

June 3, 2010
POSTED

cc: Redacted
Inez Roach, Sr. Social Worker/Case Manager, Team #710

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Hearing Summary dated April 5, 2010, consisting of two (2) pages.

EXHIBIT #2 – Copy of the Appellant's request for a fair hearing dated March 27, 2010, consisting of one (1) page.

EXHIBIT #3 – Copy of the Notice to Close Your Medical Assistance, dated March 15, 2010, consisting of two (2) pages.