



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

Joanne Friend, Sr. Social Worker/Case Manager, Division of Social Services
Laura Nutto, Sr. Social Worker/Case Manager, Division of Social Services

I.

Redacted ("Appellant") opposes a decision by the Division of Social Services ("DSS") to close his 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 April 26, 2010, DSS sent to Appellant a Notice to Close Your Medical Assistance, effective May 1, 2010.

On May 11, 2010, the Appellant filed a request for a fair hearing. (Exhibit 2).

The Appellant was notified by certified letter dated May 28, 2010, that a fair hearing would be held on June 16, 2010. The hearing was conducted on that date in Georgetown, Delaware.

This is the decision resulting from that hearing.

III.

The agency learned that the Appellant was receiving income from the State of Delaware. The Appellant provided two (2) paystubs, which totaled \$947.14. ($\16.33×29 (hours per week) $\$473.57 \times 2 = \947.14). Pursuant to the requirements of Delaware Social Services Manual ("DSSM") 16230, \$947.14 was multiplied by a factor of 2.16 to account for months that have five (5) weeks, and the calculation resulted in a gross income figure of \$2,045.82. ($\$947.14 \times 2.16 = \$2,045.82$).

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 did receive an earned income deduction (disregard) of \$90.00 because his income is considered earned under DSSM 16250. Accordingly, DSS determined that the Appellant's monthly income amounted to \$1,955.82. ($\$2,045.82 - \$90.00 = \$1,955.82$). DSS applied a monthly income limit for a family of one (1) amounting to \$903.00 and closed the Appellant's medical assistance benefits.

The Appellant admitted that at the time the agency performed their determination, his income was correctly calculated. The Appellant testified that he has no money remaining after he pays his bills. His home is in foreclosure and he is going through a mortgage restructuring. The Appellant testified that he is up against the wall and did not believe that the calculations provided by the State were "written in stone."

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. A careful review of the relevant statutes and regulations does not provide a basis for a more favorable outcome in this matter.

Based upon the information provided, DSS correctly determined that the Appellant's total monthly countable income is over the income limit for a household 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 April 26, 2010 decision of the Division of Social Services to close the Appellant's Medical Assistance benefits, effective May 1, 2010, is AFFIRMED.

Date: June 22, 2010



MICHAEL L. STEINBERG, J.D.
HEARING OFFICER

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

June 22, 2010

POSTED

cc: Redacted
Laura Nutto, Team 860
Joanne Friend, Team 860
Susan Ortega, Team 860

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Hearing Summary date-stamped May 14, 2010, consisting of two (2) pages.

EXHIBIT #2 – Copy of the Appellant's request for a fair hearing date-stamped May 11, 2010, consisting of one (1) page.

EXHIBIT #3 – Copy of the Appellant's time sheet consisting of one (1) page date-stamped April 26, 2010.