



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

Linda Greene, Social Worker Supervisor, 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) and that they properly closed Appellant's medical assistance benefits.

II.

On May 12, 2010, DSS sent to Appellant a Notice to Close Your Medical Assistance, effective May 31, 2010. (Exhibit 3)

On May 15, 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 June 11, 2009, that a fair hearing would be held on June 22, 2010. A continuance was granted on June 16, 2010 due to a scheduling conflict. The Appellant was notified by certified letter dated July 12, 2010 that a fair hearing would be held on August 3, 2010. The hearing was conducted on that date in Newark, Delaware.

This is the decision resulting from that hearing.

III.

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. ($4.33 \times \$330.00 = \$1,428.90$). In addition, the

Appellant received income in the amount of \$627.96 from her employment with the Christiana School District. In this case, the Appellant did receive an earned income deduction (disregard) of \$90.00 because some of her income is considered earned under DSSM 16250. ($\$627.96 - \$90.00 = \$537.96$). The Appellant's monthly income amounted to \$1,966.86. ($\$1,428.90 + \$537.96 = \$1,966.86$).

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. Accordingly, DSS determined that the Appellant's monthly income amounted to \$1,966.86. DSS applied a monthly income limit for a family of one (1) amounting to \$903.00 and closed the Appellant's medical assistance.

The Appellant testified that six (6) weeks after she received her notice from the agency, she received her last unemployment compensation check. She currently no longer receives unemployment compensation and is filing for bankruptcy. She testified that at the time the agency calculated her benefit eligibility, the figures they used for their calculations were correct.

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, substantial evidence supports the agency's decision to send the Appellant a Notice to Close Your Medical Assistance.

The Appellant was encouraged to reapply for medical assistance benefits with her new income figures.

IV.

For these reasons, the May 12, 2010 decision of the Division of Social Services to close the Appellant's Medical Assistance effective May 31, 2010 is AFFIRMED.

Date: August 10, 2010



Michael L. Steinberg, J.D.
HEARING OFFICER

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

August 10, 2010
POSTED

cc: Redacted
Rose Adams, Team 530
Linda Greene, Team 530

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Hearing Summary consisting of two (2) pages date-stamped May 26, 2010.

EXHIBIT #2 – Copy of the Appellant's request for a fair hearing date-stamped May 15, 2010, consisting of one (1) page.

EXHIBIT #3 – Copy of the Notice to Close Your Medical Assistance dated May 12, 2010, consisting of two (2) pages.