



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

Leslie Turney, Supervisor, Division of Social Services  
Nicole Stevens, Social Worker, Team 400, 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 May 18, 2010, DSS sent to Appellant a Notice to Close Your Medical Assistance, effective May 31, 2010. (Exhibit 3)

On May 26, 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 June 30, 2010, benefits have continued. (Exhibit 1)

The Appellant was notified by certified letter dated July 21, 2010, that a fair hearing would be held on August 6, 2010. The hearing was conducted on that date in Dover, Delaware.

This is the decision resulting from that hearing.

**III.**

DSS testified that with his recertification application, the Appellant submitted current paystubs on April 26, 2010. DSS testified that these paystubs showed that the Appellant had a gross monthly income of

\$1107.67. DSS testified that after deducting a \$90.00 earned income deduction, the Appellant had a net monthly income of \$1,107.67 ( $\$1107.67 - \$90.00 = \$1017.67$ ).

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 an earned income disregard of \$90.00. Accordingly, DSS determined that the Appellant's monthly income amounted to \$1017.67. DSS applied a monthly income limit for a family of one (1) amounting to \$903.00 and closed Appellant's medical assistance benefits.

At the hearing, the Appellant conceded that the amount used by DSS in determining his medical assistance eligibility was correct at that time. However, the Appellant further testified that since he requested a fair hearing in May 2010, he has lost both his apartment and his job. The Appellant testified that he is currently living with family, and hopes to have employment in a few weeks.

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 May 31, 2010 is AFFIRMED.

Date: August 23, 2010



MICHAEL L. STEINBERG, J.D.  
HEARING OFFICER

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

August 23, 2010

POSTED

cc: Redacted  
Leslie Turney, Supervisor  
Nicole Stevens, Team 400

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Fair Hearing Summary dated June 30, 2010, consisting of two (2) pages.

EXHIBIT #2 – Copy of the Appellant's request for a fair hearing date-stamped May 26, 2010, consisting of one (1) page.

EXHIBIT #3 – Copy of the Notice to Close Your Medical Assistance, dated May 18, 2010, consisting of four (4) pages.