



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

Kevin Taylor, Supervisor, Division of Social Services, Team 910

I.

Redacted ("Appellant") opposes a decision by the Division of Social Services ("DSS") to reduce 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 July 8, 2010, DSS sent to Appellant a Notice About Your Medical Assistance, effective August 1, 2010. (Exhibit 3)

On July 15, 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 July 15, 2010, benefits have continued. (Exhibit 1)

The Appellant was notified by certified letter dated August 2, 2010, that a fair hearing would be held on August 13, 2010. The hearing was conducted on that date in Dover, Delaware.

This is the decision resulting from that hearing.

III.

DSS testified that upon review, the Appellant presented verification of her unemployment compensation from the District of Columbia. DSS testified that the Appellant receives \$359.00

each week in unemployment compensation. DSS testified that as the Appellant was paid weekly, it applied a conversion factor of 4.33 to determine the Appellant's gross monthly income. DSS testified that after applying this factor, it determined that the Appellant had \$1,554.47 ($\$359.00 \times 4.33 = \$1,554.47$).

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 her unemployment compensation income is deemed to be unearned. Accordingly, DSS determined that the Appellant's monthly income amounted to \$1,554.47. DSS applied a monthly income limit for a household of one (1) amounting to \$903.00 and reduced the Appellant's medical assistance benefits from Medicaid for Uninsured Adults to Family Planning Services.

At the hearing, the Appellant conceded that the amount used by DSS in determining her medical assistance eligibility was correct at that time. However, the Appellant further testified that her unemployment compensation was due to end on August 18, 2010. The Appellant testified that while she could apply for extended benefits, such an extension was not assured. The Appellant provided copies of two (2) statements from the Government of the District of Columbia Department of Employment Services. The first statement, for week ending July 10, 2010, shows a remaining balance in the Appellant's unemployment compensation claim of \$1,795. (Exhibit 5) The second statement, for week ending August 7, 2010, shows that that balance has been reduced to \$359.¹ (Exhibit 6) The Appellant further testified that her monthly expenses exceed her monthly income.² (Exhibit 7) The Appellant testified that she is enrolled to begin classes in a career training program beginning September 7, 2010.

The Appellant further testified that she suffers from peptic ulcers, migraine headaches, is borderline diabetic, has high cholesterol, and a recently diagnosed cervical and neck sprain and strain. The Appellant testified that she recently underwent a sleep study to determine whether she also suffers from sleep apnea. Lastly, the Appellant testified that as a forty-four (44) year old woman who has had a hysterectomy, Family Planning Services do not offer her any real medical assistance.

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 household of one (1). As a result, the Appellant was properly sent a Notice About Your Medical Assistance, reducing her medical

¹ I note that these statements do show that the Appellant's unemployment compensation claim will be exhausted as of August 18, 2010.

² The Appellant provided a monthly budget, showing income of \$1554.47 and expenses of \$1864.43.

assistance to Family Planning Services. I conclude that substantial evidence supports DSS' decision to reduce the Appellant's medical assistance benefits.

IV.

For these reasons, the July 8, 2010 decision of the Division of Social Services to reduce the Appellant's Medical Assistance benefits effective August 1, 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
Kevin Taylor, Supervisor, Team 910

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Fair Hearing Summary dated July 15, 2010, consisting of two (2) pages.

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

EXHIBIT #3 – Copy of the Notice About Your Medical Assistance, dated July 8, 2010, consisting of four (4) pages.

EXHIBIT #4 – Copy of a letter written by the Appellant dated August 11, 2010, consisting of one (1) page.

EXHIBIT #5 – Copy of an unemployment compensation statement from the Government of the District of Columbia Department of Employment Services, for week ending July 10, 2010, consisting of one (1) page.

EXHIBIT #6 – Copy of an unemployment compensation statement from the Government of the District of Columbia Department of Employment Services, for week ending August 7, 2010, consisting of one (1) page.

EXHIBIT #7 – Copy of the Appellant's monthly budget, consisting of one (1) page.