



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, Claimant

Tory Hardy, Social Worker Supervisor, Division of Social Services
Patricia Garland, Sr. Social Worker/Case Manager, Division of Social Services
Danielle Murphy, Social Worker/Case Manager, Division of Social Services

I.

Redacted ("Claimant") opposes a decision by the Division of Social Services ("DSS") to deny her and her husband's Medical Assistance benefits based upon being over the income limit for a household of two (2).

The Division of Social Services ("DSS") contends that the Claimant is over the income limit for a household of two (2).

II.

On June 15, 2010, DSS sent to the Claimant a Notice to Deny Your Medical Assistance, effective June 1, 2010. (Exhibit 3)

On June 28, 2010, the Claimant filed a request for a fair hearing. (Exhibit 2)

The Claimant was notified by certified letter dated August 4, 2010, that a fair hearing would be held on August 16, 2010. The hearing was conducted on that date in Georgetown, Delaware.

This is the decision resulting from that hearing.

III.

DSS testified that the Claimant applied for medical assistance benefits for herself and her husband. DSS testified that with her application, the Claimant submitted unemployment compensation documentation for her husband, showing that he earned monthly unemployment compensation of \$1,428.90. The Claimant testified that she was unemployed, and that her household's only income was her husband's

unemployment compensation. The Claimant did not contest the amount of unemployment compensation used by DSS in its calculations.

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 Claimant did not receive any disregards, as all of her household's income is determined to be unearned. Accordingly, DSS determined that the Claimant's monthly income amounted to \$1,428.90. DSS applied a monthly income limit for a household of two (2) amounting to \$1,215.00 and denied the Claimant's medical assistance benefits.

At the hearing, the Claimant conceded that the amount used by DSS in determining her medical assistance eligibility was correct at that time. However, the Claimant further testified that she has type two (2) diabetes, that requires treatment through insulin injections. The Claimant testified that she has no other health insurance to help cover these expenses. Lastly, the Claimant testified that while the State helped her enroll in a low-cost physician and prescription medicine program, she is still unable to afford the co-payments required on top of the other bills her household must pay.

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 Claimant's total monthly countable income is over the income limit for a household of two (2). As a result, the Claimant was properly sent a Notice to Deny Your Medical Assistance. I conclude that substantial evidence supports DSS' decision to deny the Claimant's medical assistance benefits.

IV.

For these reasons, the June 15, 2010 decision of the Division of Social Services to deny the Claimant's Medical Assistance benefits effective June 1, 2010 is AFFIRMED.

Date: August 26, 2010



MICHAEL L. STEINBERG, J.D.
HEARING OFFICER

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

August 26, 2010

POSTED

cc: Redacted
Tory Hardy, Team 804
Patricia Garland, Team 804
Danielle Murphy, Team 804

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Fair Hearing Summary dated July 12, 2010, consisting of two (2) pages.

EXHIBIT #2 – Copy of the Claimant's request for a fair hearing date-stamped June 28, 2010, consisting of one (1) page.

EXHIBIT #3 – Copy of the Notice to Deny Your Medical Assistance, dated June 15, 2010, consisting of five (5) pages.