



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

Sharlese Thorpe, Sr. Social Worker/Case Manager, Division of Social Services  
Crystal Marion, 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) and that they properly closed Appellant's medical assistance benefits.

II.

On December 3, 2009, DSS sent to Appellant a Notice to Close Your Medical Assistance, effective December 31, 2009.

On December 9, 2009, 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 February 15, 2010, that a fair hearing would be held on March 2, 2010. The hearing was conducted on that date in Wilmington, Delaware.

This is the decision resulting from that hearing.

III.

The Appellant participated in a case review. The agency learned that the Appellant was receiving unemployment compensation payments. In addition, the Appellant provided the agency with a copy of a statement from his mother indicating that she was providing the Appellant with \$475.00 per month to help with his rent. (Exhibit 3).

The agency testified that after considering the Appellant's unemployment compensation and the unearned income from his mother, the Appellant was over the income limit for a family of one (1).

The Appellant testified that his mother sends the \$475.00 to the rental management company in New York and he is never provided with the \$475.00 for his personal use.

The agency testified that they made their decision about medical assistance benefits based upon the documentation received from the Appellant's mother, which does not indicate that the \$475.00 was paid directly to the landlord. As a result, the \$475.00 was considered as unearned income.

Pursuant to 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.

I conclude that after reviewing the document received by the agency, they correctly determined that the \$475.00 was unearned income. The Appellant's mother's statement indicates that she gave the Appellant the funds to pay his rent. Thus, the income falls under DSSM 16230. The Appellant was encouraged to provide an updated statement from his mother clarifying the nature of their financial arrangement and to submit it to the agency.

Based upon the information provided, DSS correctly determined that the Appellant's total monthly household 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.

IV.

For these reasons, the December 3, 2009 decision of the Division of Social Services to close the Appellant's Medical Assistance effective December 31, 2009 is AFFIRMED.

Date: March 16, 2010



---

Michael L. Steinberg, J.D.  
HEARING OFFICER

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

March 16, 2010  
POSTED

cc: Redacted  
Sharlese Thorpe, DSS  
Shirley Stewart, Team 376  
Crystal Marion, Team 376  
Veleka Brown, Team 376

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Hearing Summary consisting of two (2) pages date-stamped January 8, 2010.

EXHIBIT #2 – Copy of the Appellant's request for a fair hearing date-stamped December 9, 2009, consisting of one (1) page.

EXHIBIT #3 – Copy of a Statement from Redacted dated November 30, 2009 consisting of one (1) page.