

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 200917103
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 5, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on February 26, 2009. After due notice, a telephone hearing was held on Tuesday, October 5, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Department terminated the Claimant's MA benefits under the Adult Medical Program (AMP) category.
2. The Department received the Claimant's request for a hearing on February 26, 2009, protesting the termination of her Adult Medical Program (AMP) benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in

the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, et seq. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Department terminated the Claimant's AMP benefits when forms necessary to perform an annual review of the Claimant's eligibility were not returned to the Department's office. During the hearing, no evidence or testimony was presented concerning when the annual review forms were sent to the Claimant, when the annual review forms were due to be returned to the Department, or the addresses where the forms were sent. The Department's representative testified that she had no record that the review forms had been received by the Department.

The Claimant testified that she dropped off the review forms at the Department's office on January 7, 2009, but could not produce any evidence supporting this claim. The Claimant testified that she did not request an extension or request assistance with her review forms.

Since the Department has not presented any evidence supporting its actions in this case, the Department has failed to meet its burden of establishing that it properly terminated the Claimant's Adult Medical Program benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has failed to meet its burden of establishing that it properly terminated the Claimant's Adult Medical Program benefits.

Accordingly, the Department's MA eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance from the date of the Claimant's most recent annual review.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

_____/s/

Kevin

Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 12, 2010

Date Mailed: October 13, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

KS/alc

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