

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]
Claimant

Reg. No: 2009-17107
Issue No: 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 4, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on November 4, 2009. Claimant was present and testified. Martina Ward, Refugee Specialist, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly close claimant's Refugee Assistance Program (RAP) Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

- (1) Claimant and his wife were admitted into the United States in July 2008.
- (2) Claimant applied for MA benefits for himself and his wife on July 25, 2008.
- (3) Claimant's application was approved September 22, 2008.

(4) On February 5, 2009, the department issued a Notice of Case Action that the MA benefits would terminate effective February 28, 2009 because the RAP program only allows eligibility for eight months from admittance into the country.

(5) Claimant filed a hearing request to contest the MA determination on February 9, 2009.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Refugee Assistance Program (RAP) is a federal program which helps refugees to become self-sufficient after their arrival in the U.S. Under PEM 630, RAP Medical Aid is available only during the eight months immediately following the refugee's date of entry into the U.S. or date asylum is granted:

RAP Medical Aid

The maximum eligibility period for each refugee is eight months. The month containing the refugee's date of entry into the U.S. is the first month. Termination of RAP Medical Aid must be effective for the end of the 8th month, regardless of the refugee's date of application. PEM 630

In the present case, claimant testified that he and his wife were admitted into the United States in July 2008. Accordingly, they were only eligible for the RAP MA benefits through February 2009.

Based upon the foregoing facts and relevant law, it is found that the department followed applicable policy when they terminated the RAP MA benefits on February 28, 2009 as claimant and his wife were admitted into the United States eight months earlier.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the RAP MA benefits on February 28, 2009 as claimant and his wife were admitted into the United States eight months earlier.

Accordingly, the department's determination is AFFIRMED.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 13, 2009

Date Mailed: November 14, 2009

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 90 days of the filing of the original request.

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

CL/cv

cc:

