

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: 2009-1957

Issue No: 2018

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 4, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from [REDACTED] on June 4, 2009.

ISSUE

Whether the Department properly terminated Claimant's Medical Assistance (MA) coverage?

FINDINGS OF FACT

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

- (1) Claimant was a MA recipient.
- (2) On July 29, 2008, the Department mailed Claimant a Notice of Case Action which informed her that her Medicaid (MA) coverage would be cancelled

effective August 12, 2008 for her and [REDACTED] because “You requested that your assistance be stopped”. (Exhibit 1)

(3) Claimant denied at hearing and in her hearing request ever telling the Department she wanted her MA coverage stopped. (Exhibit 1)

(4) The Department deleted the negative action which was to be effective August 12, 2008 after a conversation with Claimant in which she stated she wanted her MA coverage to continue. (Hearing Summary)

(5) On or about September 17, 2009, the Department received the Claimant’s hearing request protesting the termination of her MA coverage.

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 Department caseworker involved in the “cancellation and/or reinstatement” of Claimant’s MA coverage was not present at hearing. Claimant denied ever telling the Department that she wanted her MA coverage to stop. I know that the effective date of the cancellation was August 12, 2008, but I do not know if the negative action was deleted prior to or after the effective date. If it was prior to, then there was no negative action taken by the Department. If it was after the effective date and, given Claimant’s hearing request was not received prior to the effective date, there is a period of time that

2009-1957/smb

SMB/db

cc:

