

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

IN THE MATTER OF:

[REDACTED]

Hearing

Reg. No: 200920684

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Date:

September 28, 2010

Oakland 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 27, 2009. After due notice, a telephone hearing was held on Tuesday, September 28, 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 Claimant was a MA recipient under the Adult Medical Program (AMP) category.
2. The Department terminated the Claimant's MA benefits when they could not locate him.
3. The Department received the Claimant's request for a hearing on February 27, 2009, protesting the termination of his MA 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 Claimant was receiving Medical Assistance. The Department terminated the Claimant's Medical Assistance when they could not locate him. The Department's representative testified that the Claimant had not been at the Department's office for over two years, and that mail sent to the Claimant's mailing address was returned as undeliverable.

The Claimant testified that he is homeless, but that he had reported his current mailing address to the Department sometime in the year 2007. The Claimant testified that he has received some correspondence at his current mailing address before his MA benefits were terminated, but did not have any copies of this correspondence during the hearing.

The Department was unable to determine the date when they lost contact with the Claimant. The Department was unable to specify what correspondence, if any, that the Claimant failed to respond to. The Department testified that the Claimant has been out of contact since before the Department's change to the Bridges computer system. The Department did not present any evidence of mail sent to the Claimant that was returned by the post office.

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 that benefits were terminated.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits he may be eligible to receive, if any.

_____/s/

Kevin

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

Date Signed: October 13, 2010

Date Mailed: October 14, 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

cc:

