

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: 2009-9570
Issue No: 2009; 2012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 three-way telephone hearing was held on September 16, 2009, in Grand Rapids. Claimant personally appeared and testified under oath from her residence.

The department was represented by Leeann Lentner (FIM) and Francisca Gonzalez (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly close claimant's MA case because claimant was approved for Social Security benefits and no longer wanted benefits from the department?

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 is a former MA recipient.

(2) On August 7, 2008, claimant notified her caseworker that she had been approved for Social Security and no longer wanted MA benefits.

(3) On August 13, 2008, the caseworker closed claimant's MA case. The closure took effect immediately.

(4) On August 25, 2008, claimant requested a hearing.

(5) On September 16, 2009, claimant submitted a request for a TENS Unit. Also, claimant requested services for her minor child.

(6) Claimant is currently not receiving any assistance from the department.

(7) Claimant has not filed a new application with the department since her case was closed at her request, on August 13, 2008.

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).

Under current department policy, a caseworker must terminate ongoing benefits when she receives a notification from a recipient that the recipient no longer wants benefits from the department. When a closure is based on a request from a recipient, the closure takes effect immediately. PAM 220.

The preponderance of the evidence in the record shows that claimant requested that her MA case be closed on August 7, 2008. The caseworker complied with claimant's request and

closed her MA case on August 13, 2008. When claimant requested a hearing on August 25, 2008, her case had already been closed.

The action taken by the department to close claimant's MA based on her request was done according to department policy.

Furthermore, claimant has not reapplied for benefits with the department and is not currently eligible for any benefits from the department.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in closing claimant's MA case in accordance with her directions.

Therefore, the closure action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly closed claimant's MA case due to claimant's statement that she no longer wanted services and was receiving benefits from the Social Security Administration. Furthermore, claimant has not reapplied for any benefits with the department.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 26, 2010

Date Mailed: March 29, 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 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 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.

JWS/tg

cc:

