

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.: 2009-1316  
Issue No.: 2015  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
July 16, 2009  
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing received by the Department on September 5, 2008. After due notice, a telephone hearing was conducted from Detroit, Michigan on July 16, 2009. The Claimant's spouse appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department acted in accordance with department policy when it terminated the Claimant's Medical Assistance ("MA") benefits?

FINDINGS OF FACT

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

1. The Claimant was a MA recipient.
2. On or about August 15, 2008, the Department sent the Claimant a review packet requesting the verifications be returned by August 25th. (Exhibits B, C)

3. The Claimant completed and submitted the verifications.
4. On August 27, 2008, the Department pended the Claimant's case for closure based upon the failure to return the requested verifications. (Exhibit A)
5. The Department sent a Notice of Case Action informing the Claimant the MA benefits were scheduled for closure effective September 9, 2008. (Exhibit D)
6. On September 5, 2008, the Department received the Claimant's written request for hearing protesting the negative action and noting that the verifications had been submitted.
7. The negative action was not deleted because the Claimant's daughter turned 19 year old in September thus no longer eligible under the Other Healthy Kids MA program.

#### CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are

categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.* MA is available to a person who is under age 19 when net income does not exceed 150% of the poverty level. PEM 131

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. PAM 105 The semi-annual mid-certification contract must be completed by the sixth month of the benefit period and a budget completed, if applicable, to effect benefits no later than the seventh month's benefits. PAM 210 The contact is met by receipt of a completed DHS-1046 and required verifications from the client or the client's authorized representative. PAM 210

In this case, the Claimant testified credibly that she received the review packet information late but that it was timely completed and submitted. The Department was unable to establish otherwise. Under this scenario, there was insufficient evidence presented to establish that the Department acted in accordance with department policy when it terminated the Claimant's MA benefits. The Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was insufficient evidence presented to find the termination of MA benefits was in accordance with department policy.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall re-open and process the August 2008 review application in accordance with department policy.
3. The Department shall inform the Claimant of the determination, to include what, if any, other programs the Claimant (and now 19 year old daughter) may be entitled to.
4. The Department shall supplement the Claimant for any lost benefits (if any) if otherwise eligible and qualified in accordance with department policy.

/s/  
\_\_\_\_\_  
Colleen M. Mamelka  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 08/05/09

Date Mailed: 08/06/09

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.

CMM/jlg

2009-1316/CMM

cc:

