

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: 2009-16399
Issue No: 2018
Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 10, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on June 10, 2009. Claimant is disabled. Claimant's mother personally appeared and testified on her behalf. An eligibility specialist and a family independence manager represented the Department.

ISSUE

Did the Department improperly close Claimant's Medical Assistance (MA) case?

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 recipient of SSI-related MA benefits. She also receives adult home health services.
- (2) Because Claimant is disabled, her mother also provides care for her.
- (3) Claimant's case was due for an annual review in February 2009. Documents sent to the Claimant were returned because of problems with the address.

- (4) After the documents were returned, the Department determined to close Claimant's MA case effective February 28, 2009. The Department removed the negative action before February 28, 2009. Consequently, Claimant's case was not closed and she did not lose any benefits.
- (5) The Department, however, failed to restore a code to Claimant's records that allowed the Department to pay Claimant's Medicare Part B premium, \$96.40 monthly. As a result of the Department's error, Claimant has failed to receive the \$96.40 premium payment starting in March 2009. Claimant did not receive the premium payment in April, May, or June 2009.
- (6) The Department witness stated that the Department will correct the error and reimburse Claimant for any months that she fails to receive the premium payment.
- (7) The Department received Claimant's hearing request on March 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In this case, Claimant has not been aggrieved by the Department's decision to close her MA case because the Department removed the negative action before the closure. She did not lose any benefits. The Department's testimony, however, revealed that some time during the determination to close Claimant's case and the removal of the negative action, a code was

deleted from her case, resulting in the Department's failure to pay Claimant's monthly Medicare Part B premium of \$96.40.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department did not improperly close Claimant's MA case because the Department removed the negative action before closure.

Accordingly, the Department's action is AFFIRMED. Nevertheless, the Department is ORDERED to (a) correct the clerical error that resulted in the Department failing to pay her monthly Medicare Part B premium and (b) reimburse Claimant for any months that she fails to receive the premium before the correction becomes effective.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/18/09

Date Mailed: 06/22/09

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 mailing 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.

TW/dj

cc:

