

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant,

Reg No: 2009-1957

Issue No: 2018

Case No: ██████████

Load No: ██████████

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 ██████████ 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

Claimant was without coverage as a result of what I find to be a Departmental error. With that said, the Department did not establish that it acted in accordance with policy in terminating Claimant's MA coverage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department did not act in accordance with policy in terminating Claimant's MA coverage.

Accordingly, the Department's MA eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Take the necessary steps to reinstate Claimant's MA coverage for the period of time it closed, if any, as a result of the July 29, 2008 Notice of Case Action.

/s/
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 10, 2009

Date Mailed: June 10, 2009

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.

2009-1957/smb

SMB/db

cc:

