

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-11375
Issue No: 2014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 9, 2010
Washtenaw County DHS (20)

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on November 9, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly deny claimant's Healthy Kids medical?

FINDINGS OF FACT

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

- (1) On July 16, 2009, claimant came in for annual Medical Assistance review.
- (2) Claimant was receiving Medical Assistance benefits and her children were receiving Medical Assistance under Healthy Kids.
- (3) All verifications were turned and review was completed resulting in other Healthy Kids denial for excess income.
- (4) On September 29, 2009, the department caseworker sent claimant notices that her other Healthy Kids was denied for excess income effective July 16, 2009.
- (5) The department caseworker inquired into the system and it showed a closure date of July 16, 2009.

- (6) The department caseworker then referred claimant to My Child for coverage and My Child covered one child and not the other child and indicated that the second child was eligible for other Healthy Kids.
- (7) The department conceded on the record that an error was made.

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) and the Program Reference Manual (PRM).

In the instant case, BEM, Item 531, p. 2, indicates that if the caseworker determines that a person under age 19 is ineligible for Healthy Kids due to excess income, the department caseworker is to refer to My Child promptly to reduce the possibility of a lapse in coverage. My Child eligibility begins the first day of the month following approval. When My Child approval occurs after the My Child enrollment cutoff date, eligibility begins the second month after approval. My Child is not retroactive, see BEM, Item 655. My Child will use the budget and income information to process the My Child application. The claimant will not be contacted for additional information.

In the instant case, the department caseworker indicates that there was no My Child coordination or referral for benefits.

This Administrative Law Judge finds that the department has not established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it proposed to cancel claimant's other Healthy Kids benefits and when it failed to make a recommendation or referral to My Child.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has not established by preponderance of the evidence that they were acting in compliance with department policy when they cancelled other Healthy Kids benefits for excess income and when they failed to make a referral to My Child.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's Medical Assistance case under other Healthy Kids and to make an assessment of claimant's eligibility or lack thereof for benefits for the months of August and September 2010, and to make an assessment for claimant's eligibility or

lack there of for other Healthy Kids and if claimant is other not eligible for other Healthy Kids to make a referral to My Child on claimant's behalf.

Landis

/s/

Y. Lain

Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 18, 2011

Date Mailed: January 19, 2011

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.

LYL/alc

cc:

