

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201017472
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 15, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 a hearing. After due notice, a telephone hearing was held on September 15, 2010. The claimant appeared and testified. [REDACTED] appeared as a witness for the Claimant. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Ad Care case after it was determined that he was not disabled?

FINDINGS OF FACT

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

1. The claimant applied for Ad Care (Medicaid) and State Disability Assistance on April 13, 2009.
2. On July 15, 2010, a decision was rendered by Judge Schwarb finding that the claimant was not disabled.
3. On August 1, 2009, the department inadvertently opened a case for the claimant's which provided Ad Care coverage.
4. The department issued the claimant's Ad Care benefits and opened his case in error.

5. On December 16, 2009, pursuant to a semi annual review the department determined that the Claimant's Ad Care case had been opened in error and closed the case of effective December 31, 2009.
6. The claimant requested a hearing on December 16, 2009 protesting the Department's closure of his Ad Care case

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the instant matter the claimant applied for state disability and was denied after a review by the Medical Review Team and a decision by an administrative law judge which found that he was not disabled. This decision was issued July 16, 2009 and should have caused the closure of the claimant's Ad Care case. At the time the Department was also converting to the Bridges computer system. In order to be eligible for Ad Care benefits the claimant had to be found disabled. BEM 163, Page 1. Once the administrative law judge found the claimant not to be disabled, the claimant's Ad Care case should have properly been closed as it was determined he was not disabled. Under these facts and circumstances the department correctly closed the claimant's Ad Care case and thus its decision to do so must be affirmed as it was correct.

The administrative law judge notes that the claimant disagrees with the decision by the department finding that he is not disabled. This hearing however cannot address that determination and can only address the closure of the Claimant's Ad Care Case. The claimant is however encouraged to apply on October 1, 2010 for Medicaid benefits pursuant to the Adults Medical Program which will open on that date and is only open for a limited period of time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law is found that the Department properly closed the claimant's Ad Care case and therefore its decision to close the case is hereby AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/17/2010

Date Mailed: 9/17/2010

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 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.

LMF/jlg

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