

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.: 201036088
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 6, 2010. The Claimant appeared at the hearing with her husband [REDACTED], and both testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's Medical Assistance 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 was an ongoing recipient MA-Ad Care benefits.
- (2) On March 1, 2010 Claimant's MA case was closed.
- (3) At the hearing, the Department could not explain why the case closed.
- (4) No notice of case action was presented by the Department.
- (5) Claimant credibly testified that her circumstances did not change in January 2010.

- (6) Claimant requested a hearing on February 17, 2010 contesting the closure of MA benefits.

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 are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy directs what is required to process a case for closure: A notice of case action must specify the following: • The action(s) being taken by the Department. • The reason(s) for the action. • The specific manual item which cites the legal base for an action or the regulation or law itself. • An explanation of the right to request a hearing. • The conditions under which benefits are continued if a hearing is requested. BAM 220.

In the present case, Claimant's MA case closed on March 1, 2010. The Department could not explain why the case closed and did not submit a notice of case action, contrary to Department policy. BAM 220. Claimant credibly testified that her circumstances did not change during the period of time in question. This ALJ finds that the Department has not acted in accordance with Department policy and law in closing Medical Assistance benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of MA case, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's MA case shall be reinstated as of the date of closure.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

201036088/AM

Date Signed: October 13, 2010

Date Mailed: October 13, 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.

AM/hw

cc:

