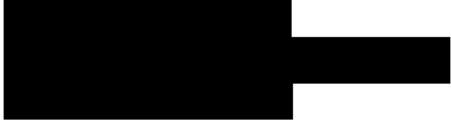


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 201036134
Issue No.: 2005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 7, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 7, 2010. The claimant appeared and testified.

ISSUE

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

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 was a MA recipient.
2. On July 28, 2009, the department requested verifications including proof of citizenship.
3. On February 2, 2010, the department closed the claimant's MA for lack of verifications.
4. On February 19, 2009, the claimant filed a request for a hearing.

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

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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, the claimant had been receiving AMP before she became pregnant. Her AMP was converted to Healthy Kids for Pregnant Women (HKP). The department requested documentation of the claimant's citizenship and when it was not forthcoming the department closed the claimant's for lack of verification.

MA Only

The Michigan Department of Community Health (MDCH) Program Eligibility Policy Section will evaluate applicants and current Medicaid recipients who are unable to provide documentation of citizenship and identity on a case by case basis.

MDCH will attempt to verify citizenship and/or identity after all other possibilities have been exhausted by DHS which include but are not limited to state to state written and/or verbal inquiries, interviews with friends and relatives and the use of computerized records.

If you are unable to verify citizenship or identity for an applicant or recipient send a written request to:

Michigan Department of Community Health
Eligibility Policy Section
P.O. Box 30479
Lansing, MI 48909 (Pam 130, p. 3).

In the instant case, the department did not assist the claimant in her attempts to resolve the citizenship issue. This ALJ finds that the department was in violation of the above policy.

However, when the claimant contacted the department in January, 2010, AMP was closed to new enrollees.

The department was correct in ending the claimant's HKP after her pregnancy was ended and the department was unable to re-enroll the claimant in AMP because it was closed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the department's actions in not enrolling the claimant in AMP.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/19/2010

Date Mailed: 10/19/2010

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.

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cc:

