

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: 2010-5533

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 2, 2010

Newaygo County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon request for a hearing. After due notice, an in-person hearing was held on June 2, 2010.

ISSUE

Whether the Department of Human Services (department) properly determined claimant's eligibility Medical Assistance (MA)?

FINDINGS OF FACT

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

(1) During August 2009, claimant was an MA recipient. Her assistance was due for review.

(2) Claimant timely submitted her review form, but did not submit all proofs needed. She later provided all proofs and her assistance was to continue.

(3) The department's computer system closed claimant's assistance and it was not reinstated until December 2009. The department entered coverage to begin the date of closure.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

- Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms.
- Clients must completely and truthfully answer all questions on forms and in interviews.

Bridges Administrative Manual (BAM) 105

42 CFR 431, 435

MCL 400.60(2)

In this case, it appears that the department's computer system may have terminated claimant's assistance when it should not have. It took several months for the problem to be corrected, but now correct coverage has been entered into the computer system. At hearing, claimant credibly testified to her frustration with the system and the fact that October 2009 medical bills have not been paid. The Administrative Law Judge

does not have jurisdiction over eligibility and/or payment for specific medical services. Accordingly, the matter can not be addressed in this forum

At hearing, claimant credibly testified that her employment expenses were not properly included on her recent MA deductible budget. She testified that the review form did not have adequate place to list her employment expenses. This, more recent issue is not the subject of this hearing and will not be addressed.

After review of all evidence, it appears that claimant had a legitimate complaint that her MA was closed in error and it took months for it to be reinstated. At time of hearing, the assistance is properly entered on the computer and thus claimant has received the remedy that is available at hearing. Accordingly, the department has met its burden of proof and its action must be upheld. Finding of Fact 1-3.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy.

Accordingly, the department's action is **HEREBY UPHELD**.

/S/

Jana Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 23, 2010

Date Mailed: September 30, 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 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.

JAB/db

cc:

