

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.: 2010-55924
Issue No.: 2003
Case No.: [REDACTED]
Hearing Date: January 10, 2011
DHS County: Wayne (82-31)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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, a telephone hearing was held on January 10, 2011. Claimant was represented by [REDACTED]. [REDACTED] also testified on behalf of Claimant. R. Dunbar, Eligibility Specialist, appeared and testified on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in closing Claimant's Medicaid Healthy Kids Expansion (MA-HKE) 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 MA-HKE recipient.
2. Claimant's date of birth is August 10, 1990.
3. The Department closed Claimant's MA-HKE case on September 1, 2010, due to Claimant's age.
4. Claimant requested a hearing on September 14, 2010, contesting the closure of his case.

CONCLUSIONS OF LAW

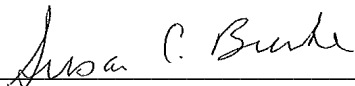
The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

BEM 131 instructs that in order receive MA-HKE, a person must be under age 19. BEM 131, p.1.

In the present case, Claimant was no longer under age the age of 19, as his birth date is August 10, 2010. The Department was, therefore, correct in its decision to close Claimant's MA-HKE case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in its decision to close Claimant's MA-HKE case and it is, therefore, ORDERED that the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 19, 2011

Date Mailed: January 20, 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.

2010-55924/SCB

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.

SCB/pf

cc:

