

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.: 2010 17219
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 1, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Lynn 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 July 1, 2010. The claimant appeared and testified. [REDACTED] Medical Contact Eligibility Specialist and [REDACTED] FIM appeared and testified on behalf of the Department.

ISSUE

Was the claimant's AMP case was properly closed by the Department?

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 original hearing in this matter began on June 10, 2010 and was continued until July 1, 2010 so the Department could determine why the Claimant's Adult Medical Assistance Program (AMP) case closed. Exhibit 1
- 2) The Claimant was an Adult Medical Program (AMP) recipient and had her case closed on November 30, 2010 shortly after her file was transferred to another DHS office, from the Monroe County to the Inkster, Wayne County Office. Exhibit 1
- 3) The Claimant was eligible for AMP when her case closed.

- 4) The Department acknowledged that it could find no explanation why her case closed after searching the Bridges System. See Exhibits 2 and 3.
- 5) The Claimant requested a hearing on December 21, 2009 which was received by the Department on January 4, 2010 protesting the closure of her AMP case.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM) and Reference Tables (RFT).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BPRM).

Claimants must meet all eligibility requirements to receive AMP benefits. BEM 640.

In this matter the Claimant's AMP case was closed for unknown reason based upon the Department records and documents produced at the hearing indicate that the basis for closure was "the Department was unable to determine eligibility due to a freeze on enrollment, no eligible member, and individual has adequate health coverage. Exhibit 3. Based upon the record as a whole and the testimony of the Department it is found that the Claimant's AMP case was improperly closed and that the Claimant was eligible for AMP when her AMP case was closed. Thus, based on these facts the Department is required to reopen and reinstate the Claimant's AMP case retroactive to the date of closure, December 1, 1009.

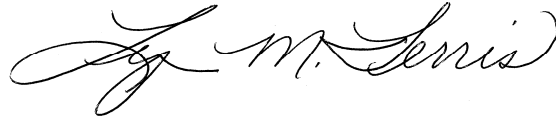
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department was incorrect when it determined claimant's AMP case should be closed as of November 30, 2009.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

Accordingly the Department is ordered:

The Department shall reopen and reinstate the Claimant's AMP case retroactive to December 1, 2010.



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

Date Signed: 07/07/2010

Date Mailed: 07/07/2010

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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