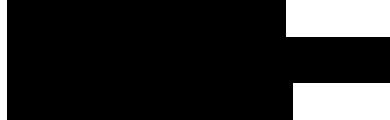


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2010-38039
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 4, 2010
Wayne County DHS (43)

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 4, 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 an ongoing MA recipient. The group size is two (2).
2. On February 19, 2010, the department denied/closed the claimant's MA.
3. On March 3, 2010, 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 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

At the hearing the department stated that it had "denied" the claimant's MA. However, since the claimant was an ongoing MA recipient the department would have had to close the claimant's MA rather than denying it. When this was pointed out to the department, the department testified that its records showed a denial.

Furthermore, the department testified that the claimant's and her husband's MA had been reopened on July 9, 2010, and that both were currently open and in place.

All Programs

You must process the following case actions:
Initial applications and reapplications (BAM 115)

Redeterminations (BAM 210).

Reinstatements (BAM 205).

Bridges will evaluate each change reported and entered in the system to determine if it affects eligibility. (BAM 220, p. 1)

This ALJ finds that the department closed the claimant's MA on February 19, 2010, in error.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to reinstate her MA back to February 19, 2010, and replace any lost benefits.



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

Date Signed: 10/13/2010

Date Mailed: 10/13/2010

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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.

MJB/jlg

cc:

