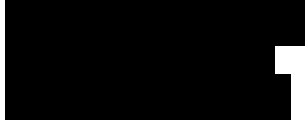


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 201051101
Issue No.: 2026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 1, 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 December 1, 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.
2. On August 13, 2010, the department closed the claimant's MA because the deductible had not been met for three months.
3. On August 4, 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).

In the instant case, the department moved to close the claimant's MA because the deductible had not been met for three months.

Meeting a Deductible

Meeting a deductible means reporting and verifying allowable medical expenses (defined in "XHIBIT I) that equal or exceed the deductible amount for the calendar month tested.

The group must report expenses by the last day of the third month following the month in which the group wants MA coverage. BAM 130 explains verification and timeliness standards. (BEM 545, p.9)

In the instant case the claimant did not provide the department with documentation of having met the deductible of \$1,444.00.

However, the department closed the claimant's MA after having received the claimant's request for a hearing and before closure.

DELETING A NEGATIVE ACTION

All Programs

Negative actions must be deleted from Bridges in some situations.

Hearing Requests

Record the hearing request date and complete all required information on the Hearings Restore Benefits screen in Bridges. Then follow **Additional Steps to Delete a Negative Action** in this section. See BAM 600. (BAM 220, p.10).

Here, the department closed the claimant's MA despite his having filed for a hearing before the case was closed. This is contrary to department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to retroactively reinstate the claimant's MA back to the closure date of August 13, 2010, and allow the claimant to provide documentation of having met the deductible following that date.



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

Date Signed: 12/27/2010

Date Mailed: 12/27/2010

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.

MJB/jlg

cc:

