

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.: 201054732  
Issue No.: 2018  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: January 10, 2011  
Macomb County DHS (36)

**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 January 10, 2011. The claimant appeared and testified.

**ISSUE**

Did the Department properly close the Claimant's MA?

**FINDINGS OF FACT**

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

1. On August 30, 2010, the department notified the claimant that her MA, based on her pregnancy would close.
2. On September 3, 2010, the claimant filed a request for 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).

Here, the Department found the claimant had become ineligible for MA because her pregnancy was over.

Her child has been placed in the Healthy Kids program and is covered under it.

### **EX PARTE REVIEW**

#### **MA Only**

An ex parte review (see glossary) must begin at least 90 days (when possible) prior to the close of any Medicaid TOA. When the ex parte review shows that a recipient does have eligibility for Medicaid under another category, change the coverage.

When the ex parte review shows that a recipient may have continuing eligibility under another category, but there is not enough information in the case record to determine continued eligibility, send a verification checklist (including disability determination forms as needed) to proceed with the ex parte review. If the client fails to provide requested verification or if a review of the information provided establishes that the recipient is not eligible under any MA category, send timely notice of Medicaid case closure. (BAM 220, p. 14)

Here, the department testified that it had not attempted to determine whether the claimant would be eligible for MA under another category. This ALJ finds that in not making such a determination, the department erred.

### **DECISION AND ORDER**

The Administrative Law Judge based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the department to determine the claimant's eligibility for MA under any applicable categories and if it finds the claimant eligible it is **ORDERED** to apply that eligibility back to the August 30, 2010, date of closure.



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Michael J. Bennane  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

201054732/MJB

Date Signed: 2/7/2011

Date Mailed: 2/7/2011

**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.

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

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