

**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.: 2011-23228
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: April 6, 2011
DHS County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan, on Wednesday, April 6, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance ("MA") benefits?

FINDINGS OF FACT

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

1. The Claimant was a FIP-related Group 2 MA recipient.
2. In [REDACTED] the Claimant turned 21 years of age.
3. On February 17, 2010, the Department sent a Notice of Case Action to the Claimant informing her that she was no longer eligible for MA benefits.
4. On March 7, 2010, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department, formerly known as the Family Independence Agency, 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 Bridges Reference Manual (“BRM”).

MA is available to a person who is under age 21 and who meets the eligibility requirements (i.e., residency, identity, citizenship/alien status, etc). BEM 132. This coverage is a FIP-related Group 2 MA category. BEM 132. The Adult Medical Program (“AMP”) is available to individuals who meet the eligibility requirements when the program is available for new applicants. BEM 640


In this case, the Department notified the Claimant that she was no longer eligible for MA benefits because she was not under 21 years of age, had no minor children in the home, was not pregnant, and was not disabled. The Claimant’s eligibility under the AMP program was not considered because, at this point, the program is not open for new applicants. Under the facts presented, the Department established it acted in accordance with Department policy when it terminated the Claimant’s MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it terminated the Claimant’s MA benefits after she turned 21 years old.

Accordingly, it is ORDERED:

The Department’s determination is AFFIRMED.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 12, 2011

2011-23228/CMM

Date Mailed: April 13, 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.

CMM/pf

cc:

