

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-24116
Issue No.: 2015
Case No.: [REDACTED]
Hearing Date: April 14, 2011
DHS County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on April 14, 2011. Claimant appeared and testified. [REDACTED] and [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS denied Medical Assistance (MA or Medicaid) benefits to Claimant in accordance with DHS policy and procedure?

FINDINGS OF FACT

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

1. In October 2010, Claimant applied for Medicaid benefits. Her application states she is disabled.
2. Effective October 1, 2010, DHS provided Claimant with MA benefits in the MA Low-Income Families (LIF) program.
3. On or about February 19, 2011, Claimant's son, who is twenty years old, was not enrolled in a school program.
4. On February 19, 2011, DHS sent Claimant a Notice of Case Action informing her that her MA-LIF benefits would close effective April 1, 2011.

5. DHS is currently considering Claimant's eligibility for MA disability benefits.
6. On March 2, 2011, Claimant filed a hearing request notice with DHS.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The administrative manuals are the policies and procedures DHS officially created for its own use. While the manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable policies are, I will examine whether they were in fact followed in this case.

BEM 110, "Low-Income Family MA (LIF)," is the manual Item I believe applies in this case. This is the program Claimant was terminated from, and it is the question she asks in her hearing request.

BEM 110 requires that LIF recipients must have a dependent child in the family group, with only three exceptions: a pregnant woman, a recipient of Supplemental Security Income (SSI) from the Social Security Administration, and a foster care parent. Clearly, Claimant is not in any exception category and does not qualify for the LIF program. I conclude and determine, based on all of the testimony and evidence in this case as a whole, that DHS acted in accordance with its policies and procedures in terminating Claimant's LIF benefits. DHS' action is AFFIRMED. BEM 110, p. 7.

At the hearing, it became clear that Claimant's October 2010 application stated she had a disability and that, accordingly, DHS has referred her application to its Medical Review Team for a determination of her eligibility for MA as a disabled person. As no decision has been made and the matter is still pending, it would be premature for me to take any action in regard to the issue of disability at this time.

In conclusion, I find and determine that DHS is hereby AFFIRMED. DHS need take no further action in this matter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides and determines that DHS is AFFIRMED in this matter. DHS need take no further action at this time.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 21, 2011

Date Mailed: April 25, 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.

JL/pf

cc:

