

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

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2011-28308
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: June 16, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on June 16, 2011. Claimant appeared and testified. [REDACTED] a friend of Claimant's, also testified on behalf of Claimant. [REDACTED] FIM, appeared on behalf of the Department of Human Services (Department or DHS).

ISSUE

Was the Department correct in closing Claimant's Medical Assistance (MA) case?

FINDINGS OF FACT

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

1. Claimant was an ongoing MA recipient in the Adult Medicaid Program (AMP).
2. The Department incorrectly closed Claimant's AMP case and placed Claimant in another MA program.
3. The Department then closed Claimant's other MA program effective March 22, 2011.
4. Claimant requested a hearing, protesting the closure of her MA case.

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).

BAM 105 dictates:

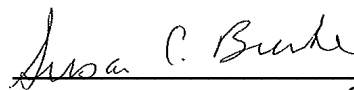
The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

In the present case, the Department erroneously closed Claimant's AMP case, placed Claimant into another MA program and then closed that case, effective March 22, 2011. The Department's representative testified that the Department was in the process of communicating with the Medical Review Team. However, the Department's representative stated that the Department was incorrect in initially closing Claimant's AMP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's MA case was incorrect, and, therefore, it is ORDERED that its decision is REVERSED. It is further ORDERED that the Department shall reinstate Claimant's MA case with the appropriate MA program, effective March 22, 2011, if Claimant meets eligibility requirements.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/23/11

Date Mailed: 6/23/11

2011-28308/SB

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.

SB/sm

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