

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

IN THE MATTER OF:



Reg. No.: 2011-28978
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: May 19, 2011
DHS County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 May 19, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly close 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. On March 29, 2011, the Department issued a negative action notice regarding Claimant's MA spend down case. The reason listed for closure was that Claimant had not met the spend down in the prior 3 months.
2. On April 1, 2011, Claimant requested a hearing.

CONCLUSIONS OF LAW

MA is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers MA-P 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 present case, the Department closed Claimant's MA spend-down case since she had failed to meet the spend-down amount during the prior 3 months. At hearing, Claimant stated she had not seen a doctor in the last few months and had not had any medical expenses to submit to the Department.

Relevant policy can be found in BEM 545, p.9:

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.

Use the NON-L/H PAST AND PROCESSING MONTHS section for non-L/H months and the "L/H PAST AND PROCESSING MONTHS" section for L/H months to determine both:

- The order in which to deduct expenses.
- When to identify a group's liability.

"IDENTIFYING A GROUP'S LIABILITY explains how to determine the group's share of its expense(s) on the first day of MA coverage.

Adding MA Coverage

Add periods of MA coverage each time the group meets its deductible; see INSTRUCTIONS for details.

See REPLACING AMP WITH FULL MA in BEM 640 if the client is eligible for, or receiving, AMP.

Redetermination

Redetermine eligibility for active deductible cases at least every 12 months unless the group has not met its deductible within the past three months.


If a group has not met its deductible in at least one of the three calendar months before that month **and** none of the members are QMB, SLM or ALM eligible, Bridges will automatically notify the group of closure.

As the policy indicates above, Claimant must submit expenses some time prior to the expiration of a 3-month period. If no expenses are submitted during a 3-month period, the spend-down case will close.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was acting in compliance with Department policy.

Accordingly, the Department's decision in this regard be and is hereby UPHELD.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 19, 2011

Date Mailed: May 19, 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.

2011-28978/JWO

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.

JWO/pf

cc:

