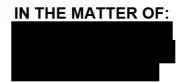
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg. No.: 2011-40041

Issue No.: 2018

Case No.:

Hearing Date: August 1, 2011 DHS County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437. After timely notice and upon the claimant's request for a hearing, a telephone hearing was held from Detroit, Michigan on August 1, 2011. The claimant was present and testified.

<u>ISSUE</u>

Did the Department of Human Services (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 as material fact:

- 1. On May 17, 2011, the Department closed the claimant's MA.
- 2. On June 1, 2011, the claimant filed a request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity 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 Bridges Reference Manual (BRM).

Here, the Department found the claimant had erroneously been a MA recipient.

EX PARTE REVIEW

MA Only

An ex part e review (see glossa ry) must begin at least 90 days (when possible) prior to the close of any Medicaid TOA.

When the ex parte review show s that a recipient does have eligibility for Medicaid under another category, change the coverage.

When the ex parte review show s that a recipient may have continuing eligibility under another category, but there is no t 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 attempted to det ermine whether the claimant would be eligible for MA under another category. This Ad ministrative Law Judge finds that the Department correctly closed the claimant's MA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.

Michael Administrative for

Department

J. Bennane Law Judge aura Corrigan, Director

Maura Corrigan, Director of Human Services

Date Signed: August 17, 2011

Date Mailed: August 17, 2011

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing or

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reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/cl

CC:

