

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-41780  
Issue No.: 2003  
Case No.: [REDACTED]  
Hearing Date: August 31, 2011  
DHS County: Wayne (49)

**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; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held from Detroit, Michigan on August 31, 2011. The claimant personally appeared and testified.

**ISSUE**

Did the Department of Human Services (Department) properly close the claimant's Medical Assistance (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. The claimant was an ongoing MA recipient.
2. On [REDACTED] the claimant's son turned [REDACTED] years of age.
3. On June 9, 2011, the claimant filed a request for a hearing.
4. On June 30, 2011, the Department closed the claimant's MA because the claimant's son turned [REDACTED] years of age on [REDACTED]

**CONCLUSIONS OF LAW**

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to

MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, the Department moved to close the claimant's MA because the claimant's son turned [REDACTED] years of age.

However, the Department closed the claimant's MA after having received the claimant's request for a hearing before closure.

### **DELETING A NEGATIVE ACTION**

#### **All Programs**

Negative actions must be deleted from Bridges in some situations.

#### **Hearing Requests**


Record the hearing request date and complete all required information on the Hearings Restore Benefits screen in Bridges. Then follow **Additional Steps to Delete a Negative Action** in this section. See BAM 600. (BAM 220, p.10).

Here, the Department closed the claimant's MA despite her having filed for a hearing before the case was closed. This is contrary to Department policy.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reinstate the claimant's MA back to the closure date of June 30, 2011.

Michael  
Administrative  
for  
Department

  
\_\_\_\_\_  
J. Bennane  
Law Judge  
Maura Corrigan, Director  
of Human Services

Date Signed: September 15, 2011

Date Mailed: September 15, 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 receipt 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.

MJB/cl

cc:

