

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

IN THE MATTER OF:



Reg. No.: 2011-41914
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: August 25, 2011
DHS County: Wayne (43)

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 upon the claimant's request for a hearing. After due notice, a telephone hearing was held from Detroit, Michigan on August 25, 2011. The claimant 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 October 24, 2009, the Department closed the claimant's MA because there were no members of her MA group under 21 years of age.
3. On June 2, 2011, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program 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 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).

DEPARTMENT POLICY

This is a FIP-related Group 2 MA category.

MA is available to a person who is under age 21 and meets the eligibility factors in this item. All eligibility factors must be met in the calendar month being tested. (BEM 132, p.1).

At the hearing evidence was presented that the minor, that the Department argued had turned 21 causing it to close the claimant's MA on October 24, 2009, was actually still 19 and did not turn 21 till [REDACTED]

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The Department agreed to return to the October 24, 2009, closure, calculate the proper beneficiaries of the claimant's MA on that date and reopen the claimant's MA retroactively back to that closure date if it finds that the closure was premature.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department and claimant have come to an agreement and ORDER S the Department to return to the October 24, 2009, closure, calculate the proper beneficiaries of the claimant's MA on that date and reopen the claimant's MA retroactively back to that closure date if it finds that the closure was premature. In the event that the Department finds that its closure was not warranted, the Department will replace any lost benefits.

Michael
Administrative

Department

Date Signed: September 13, 2011

Date Mailed: September 13, 2011



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

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

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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.

MJB/cl

cc:

