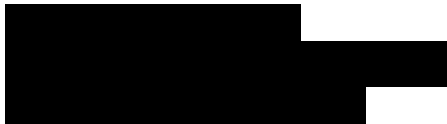


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-37780
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: July 25, 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; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held in Detroit, Michigan on July 25, 2011. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly close his Medical Assistance (MA) deductible?

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 16, 2011, the claimant filed a request for a hearing protesting the closing of his MA.

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).

In the instant case, the claimant questions the Department's closure of his MA.

The Department closed the claimant's MA due to its nonuse for three (3) months.

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. (BEM 545, p. 9.).

Here, the claimant's MA was closed due to the claimant not meeting his deductible for the past three months.


This Administrative Law Judge again finds the Department correct in its decision. However, the Department was not prepared to aid the claimant with an interpreter. It is this Administrative Law Judge's firm conviction that an interpreter was necessary for the claimant to fully understand the policies being explained to him.

In the instant case, the lack of an interpreter was not fatal to the Department's position because after the facts were explained to the claimant through an interpreter, it was found that he would not have met his deductible for three (3) months regardless of his understanding.

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
Maura Corrigan, Director
of Human Services

Date Signed: August 12, 2011

Date Mailed: August 12, 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 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:

