

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

IN THE MATTER OF:



Reg. No.: 201229049
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: March 8, 2012
County: Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 8, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's case for Low Income Family Medical Assistance (LIFMA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In July of 2011, the Claimant applied for MA for himself and his son.
2. In or around July of 2011, the Department approved the Claimant and his son for LIFMA.
3. On September 1, 2011, the Claimant told the Department his son was now living with his son's mother.
4. On December 14, 2011, the Department removed the son from the Claimant's case prompting the closure of the Claimant's LIFMA.
5. On December 14, 2011, the Department notified the Claimant by case action of the LIFMA closure.

6. On December 27, 2011, the Claimant filed with the Department a request for hearing protesting the December 14, 2011 notice.
7. Sometime after December 27, 2011, the Department determined that an *ex-parte* review was not processed for the Claimant prior to the LIFMA closure.
8. Sometime after December 27, 2011, the Department filed an application for MA-P on behalf of the Claimant retroactive to January 1, 2011.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The MA program is established by the 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.

The Department **must** determine if MA eligibility exists under any other category before terminating MA for LIF or FIP recipients. An *ex parte* review is required before Medicaid closures when there is an actual or anticipated change, unless the change would result in closure due to ineligibility for all Medicaid. When possible, an *ex parte* review should begin at least 90 days before the anticipated change is expected to result in case closure. The review includes consideration of all MA categories. (BEM 110).

In this case, the Department closed the Claimant's LIFMA benefits prior to an *ex parte* review. Based on the applicable policies (BEM 110), the Department cannot close a LIFMA case prior to a determination as to whether or not the Claimant is eligible for any other MA category types including MA-P. Since the Department did not determine whether or not the Claimant was eligible for any other MA types prior to the closure, I am **reversing** the Department in this matter.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, that the Department improperly closed the Claimant's LIFMA case.

Accordingly, the Department's actions are **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for MA benefits beginning January 1, 2012 and to issue retroactive benefits if otherwise qualified and eligible.

/s/
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 8, 2012

Date Mailed: March 9, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/cr

cc:

