

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

IN THE MATTER OF:



Reg. No.: 201311110
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: April 22, 2013
County: Wayne County (#17)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Monday April 22, 2013 from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (FIM) and [REDACTED] (ES).

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance (MA) benefits; and his wife's Adult Medical Program (AMP) case?

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 is an ongoing MA recipient and his wife was an Adult Medical Program (AMP) recipient.
2. On November 1, 2012, the Department sent Notice of Case Action to Claimant that his MA case would close effective December 1, 2012. (Exhibit 1)
3. On October 23, 2012, the Department sent Notice of Case Action stating Claimant's wife's Adult Medical Program case would close effective November 1, 2012.
4. On November 5, 2012, the Department received the Claimant's written hearing request protesting the closure of both his MA benefits and his wife's AMP case.

CONCLUSIONS OF LAW

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

The Medical Assistance (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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The Adult Medical Program (AMP) is available to individuals who meet certain eligibility factors. Applications received during the freeze on AMP enrollments must be registered and denied using “applicant did not meet other eligibility requirements” as the denial reason. Applicants must be informed that the reason for denial is an enrollment freeze. 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. The review should include consideration of the client for all other MA categories. BEM 640 (October 2012), p. 2.

The Department admittedly pended the Claimant’s MA case for closure incorrectly on November 1, 2012, but reinstated the MA case on November 8, 2012. The Department representative testified that the wife’s AMP case was closed effective November 1, 2012 because the AMP program was not open at the time. The Hearing Summary however states the AMP case was closed due to excess income. There was conflicting evidence regarding the reason for case closure. The Department did not present a budget, notice of Case Action or other substantial documentation to support the action taken by the Department. In this type of matter, the Department has the burden of establishing by a preponderance of the evidence that the action taken was in accordance with policy. Here, the Department did not present sufficient testimony and/or documentary evidence to meet its burden. Therefore, the Department’s action is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not establish it acted in accordance with when it closed the Claimant’s MA benefits effective December 1, 2012 and the wife’s AMP case effective November 1, 2012.

Accordingly, the Department's AMP MA determination is hereby, **REVERSED**.

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

1. The Department shall reinstate the wife's AMP case to the effective date of closure.
2. The Department shall notify the Claimant in writing of any future determination made in regards to the wife's AMP case in accordance with policy.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/2/2013

Date Mailed: 5/2/2013

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

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cc:

