

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

IN THE MATTER OF:



Reg. No.: 2013-18952
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: February 21, 2013
County: Wayne (41)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 hearing was held on February 21, 2013, in Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED].

ISSUE

Was the Department correct in its decision to close Claimant's MA case, effective December 31, 2012?

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 August 17, 2012, an Administrative Law Judge issued a decision in Registration Number 201251007, Case Number [REDACTED] ordering the Department to "1. Reinstate Claimant's MA-G2C coverage as of May 1, 2012; 2. Assess Claimant's LTP's eligibility for disability-based MA as of May 1, 2012, in accordance with Department policy; 3. Provide Claimant's LTP with MA coverage he is eligible to receive from May 1, 2012, ongoing; and 4. Notify Claimant's LTP in writing of its decision in accordance with Department policy." (In the August 17, 2012 decision, "Claimant" was [REDACTED], and "Claimant's LTP" was the Claimant herein.)
2. The Department did not appeal the August 17, 2012 decision of the Administrative Law Judge.

3. The Department opened an Interim Medicaid case for Claimant, effective May 1, 2012.
4. Claimant applied for disability-based MA on August 8, 2012.
5. Claimant is currently appealing the Medical Review Team's decision to deny Claimant's disability-based MA application of August 8, 2012. (See Registration Number 201315205, Case Number 103161479)
6. The Department issued a Notice to Claimant stating that his Interim Medicaid was to close, effective December 31, 2012.
7. Claimant filed a hearing request, stating that the above-described August 17, 2012 order was not followed.

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 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 Bridges Administrative Manual (BAM) 600, p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, on August 17, 2012, an Administrative Law Judge issued a decision in Registration Number 201251007, Case Number 103161483, ordering the Department to "1. Reinstate Claimant's MA-G2C coverage as of May 1, 2012; 2. Assess Claimant's LTP's eligibility for disability-based MA as of May 1, 2012, in accordance with Department policy; 3. Provide Claimant's LTP with MA coverage he is eligible to receive from May 1, 2012, ongoing; and 4. Notify Claimant's LTP in writing of its decision in accordance with Department policy." (In the August 17, 2012 decision, "Claimant" was Melissa Russell, and "Claimant's LTP" was the Claimant herein.)

The Department concedes that it did not appeal the order issued in the August 17, 2012, Hearing Decision in Registration Number 201251007, Case Number 103161483. Without filing an appeal or requesting a rehearing, the Department is bound to follow the order made in the Hearing Decision.

Although the Department opened an Interim Medicaid case for Claimant, effective May 1, 2012 pursuant to the August 17, 2012 order, the Department also issued a notice to Claimant stating that his Interim Medicaid was to close, effective December 31, 2012. Claimant's appeal of the MRT denial of his disability-based MA application is still pending as of the date of this hearing. (See Registration Number 201315205, Case Number 103161479.) Therefore, the Department's decision to close Claimant's MA case, effective December 31, 2012, was not correct, in that the implementation of the August 17, 2012 order of the Administrative Law Judge was not complete.

It is noted that the Department representative at the hearing stated that Claimant's MA case was again reinstated, awaiting a hearing decision with regard to Claimant's application for MA based on disability.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department was not correct in its decision to close Claimant's MA case, effective December 31, 2012.

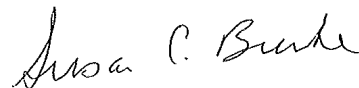
DECISION AND ORDER

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 act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. Initiate reinstatement of Claimant's MA case, if it has not already done so, in accordance with the Hearing Decision of August 17, 2012, Registration Number 201251007, Case Number 103161483.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 26, 2013

Date Mailed: February 26, 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 mailing 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

SCB/tm

cc:

