

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

**IN THE MATTER OF:**



Reg. No.: 201323157  
Issue No.: 2018  
Case No.: [REDACTED]  
Hearing Date: May 13, 2013  
County: Wayne (15)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 May 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly close Claimant's and his daughter's Medical Assistance (MA) cases?

**FINDINGS OF FACT**

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

1. Claimant and his daughter, who lives in Claimant's home, were ongoing recipients of MA coverage.
2. Claimant's daughter turned 18 in November 2012.
3. On November 20, 2012, the Department notified Claimant that he needed to complete the interview process in connection with his September 2012 MA redetermination, and scheduled him for an in-person interview on November 30, 2012.

4. On November 30, 2012, Claimant came to his local office for the interview but was advised that his worker was not available.
5. On December 4, 2012, the Department sent Claimant a Notice of Case Action informing him that, effective January 1, 2013, his MA case providing for coverage for himself and his daughter would close.
6. On January 2, 2013, Claimant filed a request for hearing disputing the Department's action.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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.

Additionally, at the hearing, the Department did not provide a complete Notice of Case Action concerning its actions regarding Claimant's MA cases with the hearing packet. However, the worker testified that both Claimant and his daughter's MA cases had closed because Claimant had failed to participate in the in-person interview required in connection with his MA redetermination. Department policy provides that an in-person interview is not a condition of MA eligibility. BAM 210 (November 2012), p 3. Thus, the Department did not act in accordance with Department policy to the extent it relied on the lack of an interview to close Claimant's MA case for himself and his daughter.

However, the December 4, 2012 Notice of Case Action provided after the hearing shows that the Department closed Claimant's MA case because (1) neither Claimant nor his daughter were "under 21, pregnant, or a caretaker of a minor child in [Claimant's] home . . . . over 65 (aged), blind, or disabled;" (2) the group was not eligible because no group member was an eligible child; and (3) Claimant failed to verify or allow the Department to verify information necessary to determine eligibility.

The Department did not provide any evidence to establish that Claimant had failed to verify requested information, and, as provided above, Claimant was not required to participate in a redetermination interview. Thus, the Department did not satisfy its burden of showing that it acted in accordance with Department policy to the extent it relied on Claimant's failure to verify to close Claimant's MA case.

The Notice of Case Action also indicates that Claimant's MA case was closed because he and his daughter did not meet any of the eligibility criteria. To receive MA under an

SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (October 2010), p 1. To receive MA under a FIP-related category, the person must have dependent children who live with him, be a caretaker relative of dependent children, be under age 21, or be a pregnant or recently pregnant woman. BEM 105, p 1; BEM 132 (October 2010), p 1; BEM 135 (January 2011), p 1. A dependent child is (i) under age 18 or (ii) age 18 and a full-time student in a high school (or in the equivalent level of vocational or technical training) and expected to complete his education or training before age 19. BEM 135, p 3.

In this case, Claimant testified that his daughter, the only child in his home, turned 18 in November 2012 and was no longer in high school. While the daughter was no longer a dependent child, she remained eligible for MA coverage for persons under 21. See BEM 135, pp 1-2. Thus, the Department did not act in accordance with Department policy when it closed the daughter's MA case.

While Claimant was no longer eligible for FIP-related MA coverage because he no longer had a dependent child in the home, before closing a client's MA case, the Department must conduct an ex parte review to determine the client's eligibility for other MA categories. BEM 135, p 2. The Department presented no evidence in this case concerning whether it had conducted such a review. Thus, the Department did not act in accordance with Department policy when it closed Claimant's MA case.

### **DECISION AND ORDER**

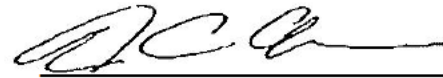
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy when it closed Claimant's and his daughter's MA cases.

Accordingly, the Department's decision is REVERSED.

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

1. Reinstate Claimant's and his daughter's MA cases as of January 1, 2013;
2. Begin conducting an ex parte review to determine Claimant's MA eligibility under all MA categories in accordance with Department policy;
3. Provide Claimant and his daughter with MA coverage they are eligible to receive from January 1, 2013, ongoing; and

4. Notify Claimant in writing of its decision in accordance with Department policy.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 5/22/2013

Date Mailed: 5/22/2013

**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

ACE/hw

cc:

