

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

IN THE MATTER OF:

██████████
██
████████████████████

Reg. No.: 2013-27850
Issue No.: 2018
Case No.: ██████████
Hearing Date: May 23, 2013
County: Wayne (76)

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 telephone hearing was held on May 23, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's daughter, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, ES.

It is noted that Claimant's hearing request indicated an appointment of an Authorized Hearing Representative, but no agreement to represent Claimant appears to be signed by the appointed Authorized Hearing Representative, and Claimant indicated at the hearing that she wished to proceed with the hearing without the Authorized Hearing Representative. The hearing was therefore conducted without the presence of the Authorized Hearing Representative.

ISSUE

Did the Department properly close Claimant's case for Medical Assistance (MA)?

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 received benefits for MA.
2. On March 1, 2013, the Department closed Claimant's MA case.
3. On January 25, 2013, the Department sent Claimant notice of the closure.

4. The Department assisted Claimant in applying for another MA category in February, 2013.
5. On February 5, 2013, Claimant filed a hearing request, protesting the closure of her MA case for her daughter and herself.
6. Claimant's daughter receives MA due to her being pregnant.

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.

BEM 105, p. 4 instructs:

An ex parte review (see glossary) 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; see BAM 115 and 220. Consider eligibility under all other MA-only categories before terminating benefits under a specific category.

BAM 115, p.7 instructs:

A recipient losing Medicaid under a category for which a DHS 1171 is not needed may need to complete a DHS 1171 in order to transfer to another MA category if an 1171 has not been approved for another program within the past 12 months.

(The DHS-1171 is a packet containing an application for assistance, an information booklet and a filing form.)

In the present case, on March 1, 2013, the Department closed Claimant's MA case for her and her daughter, due to Claimant's daughter reaching the age of twenty-one.

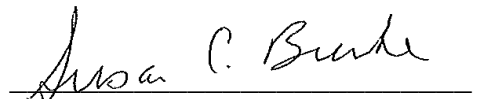
On January 25, 2013, the Department sent Claimant notice of the MA case closing, effective March 1, 2013. The Department then assisted Claimant in applying for another MA category in February, 2013, which application was still pending at the time of the hearing. In addition, Claimant's daughter is receiving MA because she is pregnant. Under these facts, it is concluded that the Department followed its policy correctly.

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 properly closed Claimant's case for MA.

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.

Accordingly, the Department's MA decision is AFFIRMED for the reasons stated within the record.


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

Date Signed: June 10, 2013

Date Mailed: June 10, 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 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

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