

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2013-29725
Issue No.: 2018
Case No.: ██████████
Hearing Date: June 5, 2013
County: Oakland (02)

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 June 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ and ██████████
██████████

ISSUE

Did the Department properly close Claimant's case for Medical Assistance (MA) (AMP) and assist Claimant in applying for MA in all categories?

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 (AMP).
2. On March 1, 2013, the Department closed Claimant's AMP case due to excess income.
3. Claimant received net income in excess of \$316.00.
4. On January 29, 2013, the Department sent Claimant notice of the closure.
5. The Department did not show at the hearing that it assisted Claimant in applying for another MA category prior to closure of his AMP case.

6. On February 11, 2013, Claimant filed a hearing request, protesting the closure of the case.

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

The AMP monthly income limit for an individual at the time of the January 29, 2013 Notice of Case Action was \$316.00. Claimant did not deny that his net monthly income exceeded \$316.00 at that time. The Department was therefore correct in closing Claimant's AMP case. However, the Notice of Case Action also states, "You do not qualify for any other type of Medicaid because you failed to return documentation to complete a disability determination."

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, the Notice of Case Action indicates that the Department may have assisted Claimant in applying for MA in another category, but it denied Claimant's MA application due to his failing to return documentation. However, the Department at the hearing did not present evidence proving that it asked Claimant to return documentation by a certain date to assist in the MA application. The Department had in its hearing packet a Verification Checklist for the Food Assistance Program, but not MA. Therefore, the Department did not prove that it was correct in not qualifying Claimant for another MA program due to failure to return documentation.

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 AMP, but improperly processed Claimant's application for another MA category.

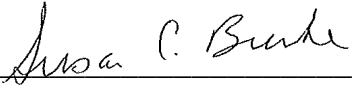
DECISION AND ORDER

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 with regard to AMP, but did not act properly with regard to assisting Claimant in applying for another MA category.

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

THE DEPARTMENT SHALL BEGIN TO INITIATE THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Assist Claimant in applying for MA in all categories, including MA based on disability, with the application effective date of March 1, 2013.
2. Issue a written notice to Claimant regarding his MA eligibility.



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

Date Signed: June 11, 2013

Date Mailed: June 11, 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

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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