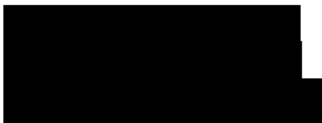


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: [REDACTED]
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: February 14, 2013
County: Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 14, 2013. Claimant appeared and testified.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) on November 1, 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. Claimant was an ongoing recipient of Medical Assistance (MA) benefits with deductible overage.
2. On October 1, 2012, the Department sent Claimant was sent a Notice of Case Action (DHS-1605) which stated her Medical Assistance (MA) would close on November 1, 2012 because she had not met her deductible for three months.
3. On October 9, 2012, Claimant filed a hearing request.

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.

In this case Claimant has Medicare coverage under Part A and B. Claimant had been determined eligible for Medicaid coverage, as a secondary, with [REDACTED] deductible coverage. When Claimant submitted her request for hearing she indicated that she felt her deductible amount was too high. The only Departmental action within 90 days of Claimant's request for hearing was the closure for failure to meet her deductible for 3 months. There is no jurisdiction to hear Claimant's disagreement with the Medicaid deductible amount.

There is no dispute that Claimant has not met her Medicaid deductible amount for the last three months. Department of Human Services Bridges Eligibility Manual (BEM) 544 (2008) states:

Redetermine eligibility for active deductible cases at least every 12 months unless the group has not met its deductible within the past three months.

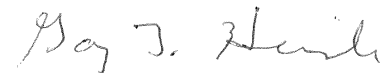
If a group has not met its deductible in at least one of the three calendar months before that month **and** none of the members are QMB, SLM or ALM eligible, Bridges will automatically notify the group of closure.

A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

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 properly closed Claimant's Medical Assistance (MA) on November 1, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.



Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 21, 2013

Date Mailed: February 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/hj

cc:

