

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-40040
Issue No.: 2015
Case No.: [REDACTED]
Hearing Date: July 11, 2013
County: Oakland DHS (03)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 11, 2013 from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Medical Assistance (MA) eligibility following a change in household members for Claimant.

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 a member of a household that included his 17 year old son.
2. Claimant was an ongoing Medicaid recipient.
3. Claimant reported to DHS that his son left the household.
4. Claimant did not report a claim of disability to DHS.
5. On 2/12/13, DHS mailed Claimant a Notice of Case Action, effective 3/2013, terminating Claimant's MA benefit eligibility due to Claimant not meeting any eligible MA categories.

6. On 4/1/13, Claimant requested a hearing to dispute the MA benefit termination.

CONCLUSIONS OF LAW

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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute an MA benefit termination after Claimant reported that his minor child left his household. It was not disputed that Claimant was no longer eligible for MA benefits as a caretaker after his child left the household. Claimant testified that DHS should have continued to receive Medicaid because he has impairments rendering him to be disabled.

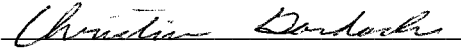
An *ex parte* review is required before Medicaid closures when there is an actual or anticipated change, unless the change would result in closure due to ineligibility for all Medicaid. BEM 220 (11/2012), p. 1. The review includes consideration of all MA categories. *Id.* If during the *ex parte* review it is determined a recipient has indicated or demonstrated a disability, DHS is to request from the recipient additional information needed to proceed with a disability determination. *Id.*

Claimant conceded that DHS had no reason to know that he claimed to be disabled. Claimant testified that he did not submit any written claim of disability to DHS. Claimant also testified that he did not report a claim of disability to DHS until 4/2013, long after an *ex parte* review was performed and Claimant's MA eligibility ended.

Based on the presented evidence, it is found that DHS properly terminated Claimant's MA benefit eligibility. As discussed during the hearing, Claimant's proper remedy is to reapply for MA benefits and to claim a disability.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefit eligibility, effective 3/2013. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/24/2013

Date Mailed: 7/24/2013

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 affect the substantial rights of the claimant,
 - 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

CG/hw

cc:

