

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

IN THE MATTER OF:

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

██████. No.: 2013-43470
Issue No.: 2018
Case No.: ██████████
Hearing Date: June 27, 2013
County: Wayne (35)

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 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's spouse, ██████ ██████. Participants on behalf of the Department of Human Services (Department) included ██████ ██████ ES.

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 28, 2013, the Department sent notice to Claimant of the Department closing Claimant's MA case, effective May 1, 2013.
3. Prior to May 1, 2012, Claimant was enrolled in the MA-LIF program.
4. Claimant was enrolled in Transitional MA from May 1, 2012 through April 30, 2013.
5. Claimant's monthly income at the time of the MA closure was \$1 ██████.

6. On April 18, 2013, Claimant filed a hearing request, protesting the closure of her MA 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.

In the present case, prior to May 1, 2012, Claimant was enrolled in the MA-LIF program. Due to excess income for the MA-LIF program, Claimant was then enrolled in Transitional MA (TMA) from May 1, 2012 through April 30, 2013. Claimant at the hearing did not deny that her monthly income at the time of the MA closure was \$1,926.12. (See Exhibit 1).

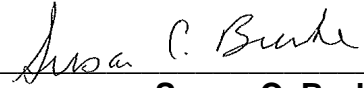
BEM 111 instructs that TMA eligibility continues until the end of the 12-month period unless a change is reported, such as decreased income, and the family is eligible for LIF. In the present case, the 12-month period for TMA ended, so the Department was correct in closing Claimant's TMA program. In addition, since Claimant's income was over the LIF amount of \$732.00 for a family of five, (see RFT 243), the Department was correct in closing Claimant's MA case. It is also noted that Claimant's husband did not previously notify the Department that he was claiming disability. Claimant's husband may apply for MA based on disability.

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 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 act properly.

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



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

Date Signed: July 9, 2013

Date Mailed: July 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

cc: [REDACTED]
[REDACTED]
[REDACTED]
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