

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

IN THE MATTER OF:

[REDACTED]

[REDACTED] No.: [REDACTED]
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: July 2, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 2, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED]. During the hearing, the Claimant indicated that she was only protesting the closure of her Medical Assistance (MA), and withdrew her request for a hearing concerning the closure of Family Independence Program (FIP) benefits, and reduction of Food Assistance Program (FAP) benefits because understood the Department's eligibility determinations for these programs only.

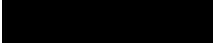
ISSUE

Whether the Department of Human Services (Department) properly closed the Claimant's Medical Assistance (MA) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On February 22, 2012, the Department's Medical Review Team (MRT) determined that the Claimant is not disabled for the purposes of participating in the Jobs, Education, and Training (JET) program.
2. The Claimant was an ongoing Medical Assistance (MA) recipient as the caretaker of a minor child.
3. The Claimant's only minor dependent child reached her 19th birthday.

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4. On May 16, 2013, the Department notified the Claimant that it would close her Medical Assistance (MA) benefits because she no longer fits the criteria for Medical Assistance (MA) under any category as of June 1, 2013.
 5. The Department received the Claimant's request for a hearing on June 4, 2013, protesting the closure of her Medical Assistance (MA) benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or Department) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

On February 22, 2012, the Department's Medical Review Team (MRT) determined that the Claimant is not disabled for the purposes of participating in the Jobs, Education, and Training (JET) program.

The Claimant was an ongoing Medical Assistance (MA) recipient as the caretaker of a minor child. The Claimant's only minor child reached her 19th birthday. On May 16, 2013, the Department notified the Claimant that it would close her Medical Assistance (MA) benefits because she no longer fits the criteria for Medical Assistance (MA) under any category as of June 1, 2013.

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. When possible, an ex parte review should begin at least 90 calendar days before the anticipated change is expected to result in case closure. The review includes consideration of all MA categories. Department of Human Services Bridges Assistance Manual (BAM) 210 (November 1, 2012), p 1.

If, during the ex parte review it is determined a recipient has indicated or demonstrated a disability, request from the recipient additional information needed to proceed with a disability determination. Department of Human Services Bridges Assistance Manual (BAM) 220 (November 1, 2012), p 14.

The evidence entered on the record supports a finding that the Claimant requested that her case be reviewed for disability in 2012. The Claimant testified that she applied for disability benefits with the Social Security Administration and is appealing the denial of her application.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant indicated a disability, and the Department failed to establish that it made a current disability determination on the Claimant's case, or that it properly determined whether the Claimant qualified for Medical Assistance (MA) under another category than as the caretaker of a minor child.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly closed the Claimant's Medical Assistance (MA) benefits.

The Department's Medical Assistance (MA) eligibility determination is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate an ex parte review of the Claimant's eligibility for Medical Assistance (MA) as of June 1, 2013.
2. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/ _____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/09/2013

Date Mailed: 07/10/2013

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)

[REDACTED]

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 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

KS/sw

cc:

[REDACTED]