

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

IN THE MATTER OF:

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

Reg. No.: 2013-40180
Issue No.: 2018
Case No.: ██████████
Hearing Date: July 11, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's case for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of MA benefits.
2. In connection with a redetermination, Claimant's eligibility for MA was reviewed.
3. Claimant's son was a previous recipient of MA under the Other Healthy Kids (OHK) program.
4. On March 25, 2013 the Department sent Claimant a Notice of Case Action informing her that for the period of April 1, 2013 through April 30, 2013, her son ██████████ was

approved for MA under the Group 2 Under 21 (G2U) MA program and that for the period of May 1, 2013 ongoing ██████████ was denied MA. (Exhibit 1).

5. On April 4, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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.

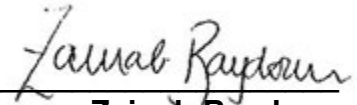
Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (November 2012), p 1. MA under the OHK program is available to persons under age 19. BEM 131 (October 2010), p. 1. Once eligible, eligibility continues until redetermination unless the person reaches age 19, or other factors are met. BEM 131, p. 2.

In this case, Claimant's son reached the age of 19 prior to the redetermination month in which MA eligibility for Claimant's group was being reviewed. The Department testified that as a result of Claimant's son's age, he was no longer eligible for MA under the OHK program and his OHK benefits automatically terminated. The Department is required to give clients timely notice for a negative action, such as a case closure, unless policy specifies adequate notice or no notice. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pending to provide the client a chance to react to the proposed action. BAM 220 (November 2012), pp.3-4. The Department testified that because the Notice of Case Action was sent on March 25, 2013, in order to provide Claimant with timely notice of the closure of her son's MA case, it activated MA benefits for Claimant's son under the G2U program for the period of April 1, 2013 through April 30, 2013. (Exhibit 1).

Because at the time of the redetermination Claimant's son was no longer eligible for MA, the Department did act in accordance with Department policy when it closed his MA case effective May 1, 2013 but provided Claimant's son with MA benefits for the month of April in order to satisfy the timely notice requirement.

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 acted in accordance with Department policy when it closed Claimant's MA case. Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 2, 2013

Date Mailed: August 2, 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

ZB/cl

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