

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-37489
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: August 8, 2013
County: Jackson

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 August 8, 2013, from Lansing, Michigan. Participants on behalf of Claimant included his Authorized Representative, [REDACTED]. Participants on behalf of Department of Human Services (Department) included Family Independence Manager (FIM) [REDACTED] and JET/PATH/Family Independence Specialist, [REDACTED].

ISSUE

Did the Department properly determine that the Claimant had a lack of Medical Assistance coverage from June 1, 2011 until November 30, 2011?

FINDINGS OF FACT

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

1. The Claimant's AR applied for MA benefits.
2. On October 17, 2012, the Department sent the Claimant a DHS-1605, Notice of Case Action informing the Claimant's AR that he was approved for MA for the month of May of 2011 and for December of 2011 on-going. This notice also contained the following language, "MA-AD-Care eligibility begins 5/1/2011 to current and ongoing. Medicaid review will be 9/30/2013."
3. On March 22, 2013, the Department received the Claimant's written hearing request protesting the lack of MA coverage for September of 2011.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

PROCEDURAL HISTORY:

On April 4, 2013, Michigan Administrative Hearing System Executive Director, [REDACTED] issued an Order of Dismissal in this matter, stating that the hearing was not requested in a timely manner. On April 22, 2013, the Claimant's AR indicated that the hearing request was timely, as there was no negative action on the case, but rather a continuing lack of action on the Department's part. On May 29, 2013, Michigan Administrative Hearing System Executive Director, [REDACTED] issued an Order Vacating Order of Dismissal and scheduling the matter for hearing. As there was no

DHS-1605, Notice of Case Action issued specifying a negative action, but rather a lack of action on the part of the Department, the Administrative Law Judge determines that the hearing request is timely.

During the hearing, the Department's FIM was asked why it was that the Department's DHS-1605, Notice of Case Action had a six month gap in coverage. The FIM could not answer that question. Considering the language on the DHS-1605, Notice of Case Action indicating that the Claimant's MA-AD-Care eligibility began on May 1, 2011 and was ongoing, it would appear that the Claimant's MA should have also been ongoing. The Department did not cite any policy which would support such a gap in coverage and as such, the Administrative Law Judge determines that the Department was not acting in accordance with departmental policy when taking action to approve the Claimant's MA with a six month gap in coverage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department did not act properly when determining that the Claimant had a six month period of time in which he was not covered by his MA benefits.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED.

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

1. Initiate action to re-determine the Claimant's eligibility for MA from June 1, 2011 to November 30, 2011, and
2. Initiate action to issue the Claimant any supplement he may thereafter be due.

/s/
Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/12/13

Date Mailed: 8/12/13

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 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

SEH/tb

cc:

