

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

IN THE MATTER OF:

██████████
██
██

Reg No.: 2013-42152
Issue No.: 2026
Case No.: ██████████
Hearing Date: July 26, 2013
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Friday, July 26, 2013. Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was ██████████.

ISSUE

Whether the Department properly determined Claimant's Medical Assistance ("MA") eligibility as of April 1, 2013?

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 is an ongoing MA recipient.
2. In February 2013, the Department sent a Redetermination packet to Claimant with a due date of March 1, 2013. (Exhibits 1, 2)
3. The Department did not receive the completed Redetermination Packet.
4. On March 18, 2013, the Department sent a Notice of Case Action, notifying Claimant his MA benefits would terminate April 1, 2013 based on the failure to complete the redetermination process. (Exhibit 1)

5. On April 22, 2013, the Department received Claimant's timely written request for hearing.
6. On May 3, 2013, the Department completed the redetermination and activated MA coverage under the deductible program as of April 1, 2013 resulting in no lapse of coverage. (Exhibit 4)

CONCLUSIONS OF LAW

As a preliminary matter, Claimant requested a hearing regarding both Medical Assistance and Food Assistance Program ("FAP") benefits. During the hearing, Claimant testified he no longer wished to pursue anything related to FAP benefits. Accordingly, Claimant's request for hearing regarding FAP benefits is DISMISSED.

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. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (March 2013), p. 5. For MA purposes, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210 (November 2012), p. 2.

Income, to include unearned income, is considered when determining MA eligibility. BEM 500 (January 2013), p. 3. Deductible is a process which allows a client with excess income to become eligible for Group 2 MA coverage if sufficient allowable medical expenses are incurred. BEM 545 (July 2011), p. 8. Each calendar month is a separate deductible period. BEM 545, p. 8. Meeting a deductible means reporting and verifying allowable medical expenses that equal or exceed the deductible for the calendar month tested. BEM 545, p. 9. The group must report expenses by the last day of the third calendar month following the month in which the group wants MA coverage. BEM 545, p. 9.

In this case, the Claimant was a MA recipient under a deductible program. As required, the Department sent a Redetermination Packet to Claimant in February 2013. Claimant denied receipt of the packet. When the Department did not receive the Redetermination Packet, a Notice of Case Action was generated notifying Claimant that his MA case was scheduled to close effective April 1, 2013.

2013-42152/CMM

Claimant's MA benefits closed; however, on May 3, 2013, the Department completed the Redetermination process. In doing so, the Department activated MA coverage under the same MA program as of April 1, 2012 resulting in no loss of coverage. In light of the foregoing, the Claimant is no longer aggrieved by a Department action. In light of the foregoing, the Department's MA determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department established it acted in accordance with policy when determining the Claimant's MA eligibility.

Accordingly, it is ORDERED:

The Department's MA determination is AFFIRMED.



Colleen M. Mamelka

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 7, 2013

Date Mailed: August 8, 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,

2013-42152/CMM

- 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

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