

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-56047
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: August 21, 2013
County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

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

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's daughter was an ongoing recipient of MA with eligibility based on being under age 21.
2. On [REDACTED] Claimant's daughter turned 21 years old.
3. On [REDACTED] the Department sent Claimant a Notice of Case Action notifying him that his daughter was no longer eligible for MA and her MA case would close effective August 1, 2013.
4. On June 24, 2013, Claimant requested a hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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.

Claimant's daughter was receiving MA coverage for persons under age 21 (G2U). On [REDACTED] Claimant's daughter turned 21 and the Department sent Claimant a Notice of Case Action notifying him that his daughter's MA case was closing effective August 1, 2013, because she was not under 21 or 65 or over, pregnant, the caretaker of a minor child in her home, blind or disabled.

At the hearing, Claimant confirmed that his daughter turned 21 years old on [REDACTED]. Therefore, she was no longer eligible for MA coverage under G2U. See BEM 132 (June 2013), p. 1. Before closing an MA case when a person reaches 21, the Department must conduct an *ex parte* review to determine whether a client is eligible for MA coverage under any other category. BAM 210 (July 2013); BEM 105 (October 2010), p. 4; BEM 132, p. 1. The Department testified that it conducted the *ex parte* review of this case and concluded that Claimant's daughter was ineligible for MA under any category.

An individual may receive MA coverage if she qualifies under a FIP-related MA category or an SSI-related MA category. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105, p. 1. To receive MA under a FIP-related category, the person must have dependent children, be a caretaker relative of dependent children, be under age 21, or be a pregnant or recently pregnant woman. BEM 105, p. 1; BEM 132 (October 1, 2010), p. 1.

In this case, Claimant verified on the record that his daughter was not under age 21 or age 65 or older, pregnant (or recently pregnant), the caretaker of a minor child, or blind. Claimant alleged, however, that his daughter had medical conditions including an eye disease and asthma.

When an *ex parte* review of a client's *current MA eligibility case file* shows that the client indicated or demonstrated a disability, the Department must continue MA until information needed to proceed with a disability determination has been requested and reviewed. BAM 115 (July 2013), p. 7. In this case, the Department credibly testified that it was not aware that Claimant's daughter had any alleged disability prior to sending out the [REDACTED] Notice of Case Action closing her MA case and did not become

aware of any issues until Claimant filed his June 24, 2013, hearing request in which he indicated that his daughter had an eye disease and asthma. The Department testified that, when it became aware of Claimant's daughter's health issues at that point, it sent her an application and medical packet and encouraged her to apply for MA. Although Claimant denied receiving this correspondence, he did confirm that he received an application and medical packet at the hearing.

Because the Department was not aware of Claimant's daughter's alleged disability at the time it conducted an *ex parte* review of her current MA eligibility case file and did not become aware of any disability prior to sending out the Notice of Case Action closing her case, the Department properly conducted the *ex parte* review and acted in accordance with Department policy when it closed Claimant's daughter's MA case based on her lack of eligibility.

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 daughter's MA case.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;

- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

