

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

IN THE MATTER OF:

██████████
████████████████████
██

Reg. No.: 2013-57141
Issue No.: 2005
Case No.: ██████████
Hearing Date: October 17, 2013
County: Macomb (12)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a hearing was held on October 17, 2013, in Clinton Township, Michigan. Participants on behalf of Claimant included Claimant and Claimant's mother/Authorized Hearing Representative, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, ES.

ISSUE

Did the Department properly modify Claimant's Medical Assistance (MA) coverage to emergency services only?

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, Claimant's spouse, and Claimant's son received MA under Low Income Family (LIF).
2. Claimant, Claimant's spouse and Claimant's son entered the United States on February 16, 2010.
3. Claimant, Claimant's spouse and Claimant's son are not refugees, asylees, military aliens, spouses or children of military aliens, or victims of trafficking.

4. On June 27, 2013, the Department notified Claimant that effective August 1, 2013 MA coverage for Claimant, Claimant's spouse and Claimant's son would be limited to emergency services only.
5. On July 8, 2013, Claimant requested a hearing.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

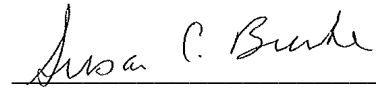
In the present case, Claimant, Claimant's spouse, and Claimant's son received MA under Low Income Family (LIF). At the hearing, Claimant did not dispute that Claimant, Claimant's spouse and Claimant's son entered the United States on February 16, 2010, and that Claimant, Claimant's spouse and Claimant's son are not refugees, asylees, military aliens, spouses or children of military aliens or victims of trafficking. Per BEM 225, Claimant and her spouse and child qualify for only MA emergency services. See Exhibit II Citizenship/Alien Status Table found at BEM 225, pp. 31, 32.

Claimant testified credibly at the hearing that she openly submitted all original documents regarding her status. The Department agreed that the erroneous MA category was due to Department error. However, Department policy does not allow for continuance of an erroneous MA category once the error is discovered. Claimant further testified that she is undergoing [REDACTED]. While this Administrative Law Judge sympathizes with Claimant, the Administrative Law Judge does not have jurisdiction to change Department policy.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it modified Claimant's MA eligibility to emergency services only.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 21, 2013

Date Mailed: October 21, 2013

NOTICE OF APPEAL: 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.

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).

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

SCB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]