

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

**IN THE MATTER OF:**

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

Reg. No.: 2013-64794  
Issue No.: 2018  
Case No.: ██████████  
Hearing Date: October 14, 2013  
County: Oakland (3)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 telephone hearing was held on October 14, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████ Eligibility Specialist.

**ISSUE**

Did the Department properly close Claimant's children's Medical Assistance (MA) benefits effective August 1, 2013, ongoing?

**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 children were ongoing recipients of Other Healthy Kids (OHK) MA coverage.
2. Claimant was an ongoing recipient of Plan First! Family Planning Program benefits.
3. Claimant's household includes herself and her two minor children.
4. Claimant is an ongoing recipient of child support income from the children's father.
5. On or around January 1, 2013, ongoing, Claimant's children began receiving medical insurance coverage through her employer.

6. On or around January 1, 2013, ongoing, Claimant's wages were being garnished for child support. See Exhibit A.
7. On or around the end of March 2013, Claimant notified the Department to cancel her children's MA coverage.
8. On June 21, 2013, the Department sent Claimant a Notice of Case Action notifying her that her children's MA coverage would close effective August 1, 2013, ongoing. Exhibit 1.
9. On August 14, 2013, Claimant filed a hearing request, disputing the Department's action. Exhibit 1.

### **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 this case, Claimant's children were ongoing recipients of Other Healthy Kids (OHK) MA coverage. Claimant was an ongoing recipient of Plan First! Family Planning Program benefits. On or around January 1, 2013, ongoing, Claimant's children began receiving medical insurance coverage through Claimant's employer. On or around January 1, 2013, ongoing, Claimant's employment earnings are being garnished due to child support issues. See Exhibit A. On or around the end of March 2013, Claimant notified the Department to cancel her children's MA coverage. On June 21, 2013, the Department sent Claimant a Notice of Case Action notifying her that her children's MA coverage would close effective August 1, 2013, ongoing. Exhibit 1.

Claimant has two minor children in her home. The father of the children pays child support. However, since January 1, 2013, Claimant alleges the State of Michigan has been taking her child support income by garnishing her pay stubs. Claimant is seeking reimbursement of her child support income from the State of Michigan. Claimant does not understand why her pay is being garnished for child support when she in fact is the recipient of child support income from the children's father.

When a recipient is no longer eligible or *requests case closure*, the Department does all of the following:

- Enter all appropriate information, including verification sources, in Bridges to document ineligibility, or the client's request that the program(s) be closed.
- Run EDBC in Bridges and certify the eligibility results.
- Make appropriate referrals for other programs or services.

BAM 220 (November 2012), p. 15 (emphasis added).

A review of the policy indicates that the Department should have closed her children's MA coverage at an earlier time. See BAM 220, p. 5. Claimant requested case closure in March of 2013; however, the benefits did not close until August of 2013. Nevertheless, the late closure of the children's MA coverage had no effect on the child support garnishment because Claimant's pay is still being garnished.

Based on the foregoing information and evidence, the Department properly closed Claimant's children's MA coverage effective August 1, 2013, ongoing. Even though the Department failed to process Claimant's request timely, it had no effect on Claimant's child support garnishment.

As to the request for reimbursement of child support garnishment, this hearing decision is unable to address Claimant's request. The Michigan Administrative Hearing System (MAHS) may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

BAM 600 (July 2013), p. 3.

Additionally, MAHS may grant a hearing about MA benefits for any of the following:

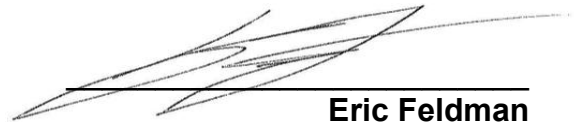
- Community spouse income allowance.
- Community spouse's income considered in determining the income allowance.
- Initial asset assessment (but only if an application for MA has actually been filed for the client).
- Determination of the couple's countable assets or protected spousal amount.
- Community spouse resource allowance.

BAM 600, pp. 3-4.

Claimant's request for reimbursement of child support garnishment does not fall within any of the above listed categories. It was determined that the Department properly closed Claimant's children's MA coverage. The closure had no effect on the garnishment because Claimant's pay continues to be garnished even though the children's MA coverage is terminated.

**DECISION AND ORDER**

Accordingly, the Department's MA decision is AFFIRMED.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: October 28, 2013

Date Mailed: October 28, 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:

2013-64794/EJF

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

EJF/cl

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