

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201342987
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: May 22, 2013
County: Wayne County (#18)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Wednesday May 22, 2013 from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Family Independence Manager) and [REDACTED] (Assistant Payment Worker).

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance (MA) case?

Whether the Department properly closed the Claimant's Food Assistance Program (FAP) 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. The Claimant and his wife are recipients of Transitional MA benefits, as parents of a dependent children.
2. The Claimant works full-time (40 hrs per wk); earning \$8.00 per hour; paid bi-weekly. (Exhibit 3)
3. The Claimant's 12 month Transitional Medicaid benefit period ended.

4. The Claimant's FAP benefits closed as of December 31, 2012.
5. On April 15, 2013, the Department sent Claimant Notice of Case Action that he and his wife's ongoing TMA Medical Assistance would close effective June 1, 2013; the dependent child was still eligible for MA under the Healthy Kids program. (Exhibit 2)
6. On April 18, 2013, the Department received the Claimant's written hearing request protesting the closure of ongoing MA benefits effective June 1, 2013; and the closure of FAP benefits effective January 1, 2013.
7. On April 25, 2013, the Department sent the Claimant a verification checklist requesting verifications to determine eligibility for other MA programs.

CONCLUSIONS OF LAW

As a preliminary matter, the FAP issue identified on the hearing record was not timely, as the FAP closure occurred as of January 1, 2013 with a November 2012 notice of case action. There was no recent Notice of Case Action issued within 90 days regarding Claimant's FAP benefits. Notably, the Claimant did not identify the FAP closure as an issue at hearing. Therefore, the FAP issue is not addressed in this decision. The undersigned lacks jurisdiction to address that issue as the hearing request is beyond the required 90 day period. Therefore, the FAP issue is hereby, Dismissed in accordance with policy.

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

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105 (October 2010), p. 1. The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. BEM 105, p. 1. MA is available to parents and other caretaker relatives who meet certain non- financial and financial eligibility factors. Families who become ineligible for Low Income Family (LIF) MA due to income and have earnings must be considered for Transitional MA (TMA). BEM 111 (October 2012), p. 2. Families may receive TMA for up to 12 months when ineligible for Low Income Family (LIF) MA relates to income from employment of a caretaker. BEM 111, p. 1. There is set guidelines for income, which determines if an MA group is

eligible. Income eligibility factors must be met in the calendar month being tested. BEM 135 (January 2011), p.1.

In this case, Claimant and his wife received Transitional MA (TMA) from June 2012 through June 2013 as a caretaker relative of a dependent child. At the end of the 12 month TMA period, Claimant was not approved for FIP benefits and it appears that there was no decrease in income. As a result, the Department is required to consider the Claimant for other MA categories. BEM 111, p. 3. Claimant asserts that the family does not earn enough income not to be eligible for medical assistance. Policy provides that the Department is required to complete a determination of eligibility for other MA categories and for TMA-Plus at least 40 days before the end of the 12-month TMA period prior to MA case closure. BEM 111, p. 3. The Department representative testified that there was indication in the case that Claimant allegedly failed to return bank verification but no substantial evidence was presented to support the assertion. Claimant testified credibly that he timely submitted all requested verifications; and his testimony was not refuted.

The Department representative further testified that as of April 25, 2013 the Claimant was sent a verification checklist in order to process Claimant's eligibility determination for other MA categories. The Department representative, however, did not know the status of the eligibility determination as of the date of hearing. Therefore, I find the Department has not established that the Claimant failed to return verifications necessary to determine eligibility for MA programs and as such eligibility for other MA programs should be considered prior to closure of the MA case.

Accordingly, the Department action is hereby not Upheld.

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 did not establish it acted in accordance with policy when it pended the Claimant's Transitional MA case to close effective June 1, 2013, without determining eligibility for other MA programs.

Accordingly, the Department's MA determination is hereby, **REVERSED**.

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

1. The Department shall reinstate the Claimant's MA benefits to the effective date of closure.

2. The Department shall process and determine Claimant's eligibility for other MA programs prior to taking any negative action on his current MA case in accordance with department policy.
3. The Department shall properly notify the Claimant in writing of the MA eligibility determination in accordance with policy.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/31/2013

Date Mailed: 5/31/2013

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,
 - 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

MH/hw

cc:

