

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201346157
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: July 16, 2013
County: Cass

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 July 16, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED] as authorized hearings representatives of the Claimant, who was present during the hearing but did not testify due to her health. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing Medical Assistance (MA) recipient with a [REDACTED] deductible.
2. On May 8, 2013, the Claimant provided the Department with a receipt showing medical expenses of [REDACTED] that were incurred before February 1, 2013.
3. On May 1, 2013, the Department notified the Claimant that it would close her Medical Assistance (MA) for not meeting her deductible for three consecutive months.
4. The Department received the Claimant's request for a hearing on May 8, 2013, protesting the closure of her Medical Assistance (MA) benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or Department) 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Department will redetermine Medical Assistance (MA) eligibility for active deductible cases at least every 12 months unless the group has not met its deductible within the past three months. If a benefit group has not met its deductible in at least one of the three calendar months before that month and none of the members are QMB, SLM or ALM eligible, the Department will automatically notify the group of closure. The group must report expenses by the last day of the third month following the month in which the group wants MA coverage. Department of Human Services Bridges Eligibility Manual (BEM) 545 (July 1, 2011), p 9.

In this case, the Claimant was an ongoing Medical Assistance (MA) recipient with a [REDACTED] deductible. When the Claimant had not met this deductible for a three month period, the Department notified the Claimant on May 1, 2013, that it would close her Medical Assistance (MA) benefits as of June 1, 2013.

On May 8, 2013, the Claimant provided the Department with a receipt showing medical expenses of [REDACTED] that were incurred before February 1, 2013.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant failed to establish that verification of medical expenses incurred were not submitted in a timely manner to meet her deductible, and the Department properly closed her benefits as of June 1, 2013.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department established that it properly closed the Claimant's Medical Assistance (MA) benefits for not meeting her deductible.

The Department's Medical Assistance (MA) eligibility determination is **AFFIRMED**. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/18/2013

Date Mailed: 07/19/2013

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.

201346157/KS

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

KS/sw

cc:

