

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-51916
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: August 12, 2013
County: Wayne (82-76)

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 12, 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 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 was an ongoing recipient of MA.
2. On May 28, 2013, the Department sent Claimant a Notice of Case Action notifying her that she was no longer eligible for MA and her MA case would close effective July 1, 2013.
3. On June 4, 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 was receiving MA coverage under the Low-Income Family (LIF) program but the Department testified that she was no longer eligible under the program because her son had turned 18 years old. On May 28, 2013, the Department sent a Notice of Case Action to Claimant notifying her that her MA case would close because she was not under 21 or over 65, pregnant, the caretaker of a minor child in her home, blind or disabled.

Before closing an MA case, 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. An individual may receive MA coverage if she qualifies under an 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 (October 1, 2010), p. 1. To receive MA under an 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 she was not under age 21 or age 65 or older, pregnant (or recently pregnant), or blind. She also verified that her youngest child had turned 18 years old on [REDACTED]. While the child was still attending high school and expected to graduate prior to his 19th birthday, Claimant testified that the child was not living in her household. Thus, Claimant was not eligible for MA coverage based on being the parent of a dependent child. See BEM 135 (January 2011), pp. 1-3; BEM 110 (June 2013), pp. 4-5.


Claimant alleged, however, that she was disabled. 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 of any allegations of disability by Claimant prior to sending out the May 28, 2013, Notice of Case Action closing her MA case and did not become aware of any issues until Claimant filed her June 4, 2013, hearing request in which she indicated that she had high blood pressure and asthma. The Department testified that, when it became aware of Claimant's health issues at that point, it sent her an application and medical packet and encouraged her to apply for MA. Because the Department was not aware of Claimant's alleged 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 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 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 20, 2013

Date Mailed: August 20, 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:

2013-51916/ACE

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

ACE/pf

cc:

