

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201362644  
Issue No: [REDACTED]  
Case No: [REDACTED]  
Hearing Date: December 19, 2013  
County: Clinton County DHS

**ADMINISTRATIVE LAW JUDGE:** William A. Sundquist

**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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 19m 2013, from Lansing , Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Did the Department establish an exception to the required medical improvement requirement in the termination of Medicaid?

**FINDINGS OF FACT**

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

1. Claimant applied for Medicaid on April 22, 2013 and was approved.
2. The DHS worker who had opened the case did not send it to MRT with medical reports.
3. In July 2013 the DHS discovered the error and proposed termination on July 29, 2013. The claimant requested a hearing on August 1, 2013.

**CONCLUSIONS OF LAW**

Facts above are undisputed.

The Department of human services must periodically re-determine an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 2010 page 1

Redetermination of active programs may be necessary when a case is found to be prone as a result of supervisory case reading, quality assurance data or quality enhancement data. BAM 2010, page 1

BAM 815 provides for the medical determination procedure for establishing medical eligibility for assistance programs. Medical evidence provided by the client will be reviewed by the medical review team (MRT) and a physician. MRT reviews medical evidence for disability and certifies the client's medical eligibility for assistance.

Based on the undisputed facts, law and DHS policy above, the DHS procedurally erred in opening the Medicaid case without certification by MRT.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the DHS erred in opening claimants Medicaid case without certification by MRT.

Accordingly Medicaid termination is **UPHELD** and so Ordered.

/s/  
William A. Sundquist  
Administrative Law Judge  
For Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 12/23/2013

Date Mailed: 12/26/2013

**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).

201362644/WAS

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

WAS/sw

cc:

