

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-7988
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: April 10, 2013
County: Macomb-20 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 April 10, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Between July 27, 2012 and October 25, 2012, did the Department properly close a Medical Assistance (MA) case belonging to the Claimant?

Did the Department properly deny the Claimant's July 30, 2012 MA application.

FINDINGS OF FACT

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

1. At some point in time in 2011, the Claimant was approved for MA benefits with a MRT review date in December of 2012.
2. At some point in time prior to July 30, 2012, the Department closed the Claimant's open MA case.
3. On July 30, 2012, the Claimant applied for MA benefits.
4. On August 14, 2012, the Department sent the Claimant a notice to apply (DHS-1551) and verification of application or appeal for SSI/RSDI (DHS-1552).
5. On October 3, 2012, the Department denied the Claimant's July 30, 2012 application for MA benefits.

6. The Department's Bridges SOLQ report indicates the Claimant receives RSDI with a date of entitlement beginning December 1, 2011.
7. On October 25, 2012, the Claimant requested a hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The 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 Department witness testified that the Claimant indeed had an open MA case but could not locate records to indicate when or why the Claimant's MA case closed prior to the December 2012 review date.

The Bridges Administrative Manual (BAM) 600, p. 4, provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

Since the Department could not determine when or why the case closed I am unable to determine whether or not the closure was appropriate. But because I can only address the 90 days immediately preceding the request for hearing, I am ordering the Department to only look back the 90 days preceding the hearing request (July 27, 2012) and determine whether or not a closure of MA benefits took place during those 90 days. If a closure did take place, the Department is ordered to re-determine the Claimant's eligibility for MA benefits beginning with the date of closure.

In regards to the application, the Department witness could not provide a plausible reason as to why the verifications were requested when the Claimant had previously been approved for MA benefits and where the SOLQ report clearly shows the Claimant was receiving RSDI. Therefore, I find the Department's actions in denying the application to be inappropriate.

Based upon the above Findings of Fact and Conclusions of Law, I have concluded the Department may have improperly closed the Claimant's MA case and improperly denied the Claimant's application for MA benefits.


DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law the Department did not act properly.

Accordingly, the Department's MA decision is **REVERSED**.

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

1. Look back over the Department actions taken regarding the Claimant's MA case covering the period of July 27, 2012 through October 25, 2012 and determine if the Department had closed the Claimant's MA case during this time period. If the Department has closed the Claimant's MA case during this period, initiate a redetermination as to the Claimant's eligibility for MA benefits beginning with the date of closure and issue retroactive benefits if otherwise eligible and qualified.
2. If the Department had not closed the Claimant's MA case between July 27, 2012 and October 25, 2012, initiate a redetermination as to the Claimant's eligibility for MA benefits beginning July 30, 2012 and issue retroactive benefits if otherwise eligible and qualified.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 11, 2013

Date Mailed: April 11, 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

CAA/las

cc:

