

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

IN THE MATTER OF:



Reg. No.: 2014-13710
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: January 30, 2013
County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

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 receiving full-coverage MA benefits under an SSI Termination (SSIT) category.
2. On November 6, 2013, the Department sent Claimant a Notice of Case Action informing him that, effective December 1, 2013, his SSIT MA coverage would terminate.
3. On November 22, 2013, Claimant filed a request for 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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Additionally, Claimant's hearing request is tied to the November 6, 2013, Notice of Case Action notifying him that his full-coverage SSIT MA case would close effective December 1, 2013.

Before closing SSIT MA coverage, the Department must complete a redetermination to allow for an *ex parte* review of a client's eligibility for other MA categories. BEM 150 (July 2013), p. 6; BAM 220 (July 2013), p. 17. During the *ex parte* review, the Department must send the client the DHS-1171 Assistance Application and DHS-3503 Verification Checklist, marked with all verifications required for MA, and consider the client's eligibility for coverage under all MA categories. BEM 150, p. 7.

In this case, the Department sent Claimant a Notice of Case Action on November 6, 2013, advising him that his MA case would close on December 1, 2013. It sent Claimant the VCL and application on November 18, 2013, after it sent him the Notice of Case Action. Therefore, the Department did not conduct the *ex parte* review before notifying Claimant of the closure of his MA case. However, the Department testified that it received Claimant's completed MA application and the requested verifications on December 3, 2013, and processed Claimant MA eligibility for December 1, 2013, ongoing. The Department testified that it determined that Claimant was eligible for disability-based MA coverage subject to a deductible effective December 1, 2013, and that coverage was provided from December 1, 2013, ongoing.

If the *ex parte* review reveals the recipient has already been determined disabled for purposes of qualifying for a disability-based MA eligibility category by either the SSA or the Department and the determination is still valid, the Department must continue the recipient's MA eligibility *under the disability-based MA category for which the recipient is otherwise eligible*. BAM 220, p. 18 (emphasis added). The evidence presented established that the Department belatedly conducted the *ex parte* review and determined that Claimant was eligible for ongoing MA coverage under a deductible program. Because the Department did determine Claimant's ongoing MA eligibility and there was no lapse in coverage, the Department acted in accordance with Department policy when it closed Claimant's SSIT MA case.

At the hearing, Claimant expressed concerns about (i) the Department's conclusion that his ongoing MA coverage was subject to a deductible and the calculation of the deductible, (ii) the Department's processing of the medical bills he submitted, and (iii) the Department's calculation of his Food Assistance Program (FAP) benefits. Because matters concerning the deductible amount and medical bills processing involve Department actions after Claimant's November 18, 2013, request for hearing and because FAP was not referenced in Claimant's request for hearing, these matters were not properly presented for hearing and were not addressed at the hearing. Claimant was advised to submit, in accordance with Department policy, a signed request for hearing to the Department requesting a review of these issues.

DECISION AND ORDER

The Department's decision closing Claimant's SSIT MA case is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 5, 2014

Date Mailed: February 6, 2014

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).

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.

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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

ACE/pf

cc:

