

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

IN THE MATTER OF:



Reg. No.: 14-000573
Issue No.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: May 5, 2014
County: Macomb County DHS #20

ADMINISTRATIVE LAW JUDGE: Gary F Heisler

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 May 5, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator Brown. Claimant testified there is no Food Assistance Program so that portion of the hearing request is dismissed.

ISSUE

Did the Department properly close Claimant's Medical Assistance?

FINDINGS OF FACT

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

1. On December 17, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Medical Assistance would close on January 1, 2014.
2. On December 30, 2013, Claimant submitted a hearing request about her Medical Assistance and Food Assistance Program. The request was assigned register number 201419991.
3. On January 28, 2014, Claimant submitted a hearing request withdrawal based on her understanding that her Medical Assistance was going to be reinstated.
4. On January 29, 2014, Claimant's December 30, 2013 hearing request was dismissed.

5. On January 31, 2014, Claimant submitted a Food Assistance Program Redetermination (DHS-1010).
6. On February 5, 2014, Claimant was sent a Verification Checklist (DHS-3503) for her Food Assistance Program. The verifications were due back on February 18, 2014.
7. On February 19, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program was closed beginning March 1, 2014.
8. March 31, 2014, Claimant submitted this hearing request regarding closure of her Medical Assistance.
9. The Hearing Summary (DHS-3050) submitted by the Department states that Claimant's Medical Assistance was closed due to failure to return income information.

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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Claimant had a previous hearing request about Medical Assistance under register number 201419991. The Hearing Summary (DHS-3050) submit with this hearing request indicates her Medical Assistance was closed for failure to provide income information for her Food Assistance Program re-determination. There is no Notice of Case Action (DHS-1605) about Claimant's Medical Assistance in evidence. While Department actions involved in the case under register number 201419991 cannot be addressed here, there is not sufficient evidence in this record to determine when Claimant's Medical Assistance was closed or if the closure was correct.

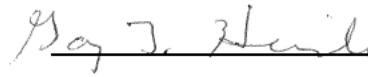
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's Medical Assist.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Issue Claimant notice of all actions taken on her Medical Assistance since January 1, 2014.



Gary F Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/14/2014**

Date Mailed: **5/14/2014**

GFH / hj

cc:

