

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

IN THE MATTER OF:



Reg. No.: 201416922
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: February 27, 2014
County: Wayne (15)

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 February 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker.

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 benefits under the Group 2 Under 21 (G2U) program.
2. On November 8, 2013, Claimant turned 21 years old.
3. On November 9, 2013, the Department sent Claimant a Notice of Case Action notifying her that effective December 1, 2013, her MA case would close because she was no longer eligible for MA.
4. On December 3, 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, the Department notified Claimant that she was no longer eligible for MA after her [REDACTED] birthday. Claimant was receiving MA coverage under the G2U program which is available to any person who is under age 21 and meets the eligibility factors. BEM 132 (July 2013), p. 1. Claimant acknowledged that she turned [REDACTED] years old on [REDACTED]. Therefore, she was no longer eligible for MA coverage under the G2U program.

Before closing a client's MA case, the Department must conduct an ex parte review to determine the client's eligibility for MA coverage under another MA category, unless the actual or anticipated change would result in closure due to ineligibility for all MA categories. BEM 132, p. 1; BAM 220 (July 2013), p. 17; BAM 210 (October 2013), p. 1. When the ex parte review shows that a recipient may have continuing eligibility under another category, but there is not enough information in the case record to determine continued eligibility, the Department must send a verification checklist (including disability determination forms as needed) to proceed with the ex parte review. BAM 220, pp. 17-18. If 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. 9; BAM 220, pp. 17-18.

In this case, the Department testified that it had reviewed Claimant's case file prior to closure, including the application Claimant submitted at the time she applied for G2U coverage around the time of her eighteenth birthday, and there was no indication that Claimant was alleging a disability. The Department further testified that it was not aware of any alleged disability until Claimant called the Department *after* she received her November 9, 2013 Notice of Case Action notifying her of the closure of her MA case. Claimant was unable to establish that she had notified the Department of her disability prior to receiving the Notice of Case Action. Because there was no evidence in Claimant's case file that Claimant alleged a disability and the Department was not advised of any such disability prior to sending the November 9, 2013 Notice, the Department acted in accordance with Department policy when it closed Claimant's MA case.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: March 19, 2014

Date Mailed: March 19, 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.

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/tlf

cc:

