

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014737
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: January 16, 2014
County: Oakland (02)

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 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's husband. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly close Claimant's and her husband's Medical Assistance (MA) cases?

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 and her husband were ongoing recipients of MA under the Transitional Medicaid (TMA) program.
2. On [REDACTED] 2013, the Department sent Claimant a Notice of Case Action notifying her that effective [REDACTED] 2013, she and her husband were no longer eligible for MA.
3. On [REDACTED] 2013, Claimant requested a hearing disputing the Department's actions concerning their MA cases.

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 and her husband were ongoing recipients of MA coverage under the TMA program. The Department testified that Claimant completed a redetermination on [REDACTED], 2013, concerning her ongoing MA eligibility. The evidence presented, including the fact that the closure of Claimant's MA case followed a redetermination and the indication on the [REDACTED], 2013 Notice of Case Action that Claimant's son was eligible for ongoing coverage under the TMA-Plus program, leads to the conclusion that Claimant and her husband had received coverage under the TMA program for 12 months and were no longer eligible for MA coverage under that program. BEM 647 (July 2013), p. 1; BEM 111 (July 2013), pp. 1-3.

However, 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 163 (July 2013), p. 2; BAM 220 (July 2013), p. 17; BAM 210 (October 2013), p. 1. An individual may receive MA coverage if he qualifies under (i) a FIP-related MA category, which is available if the individual has dependent children who live with him, is the caretaker relative of dependent children, is under age 21, or is pregnant or recently pregnant woman, or (ii) an SSI-related MA category, which is available if the individual is aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (July 2013), p. 1; BEM 132 (July 2013), p. 1; BEM 135 (July 2013), p. 1.

At the hearing, Claimant confirmed that their only child was [REDACTED] years old and no longer in high school. As such, Claimant and her husband were not eligible for MA coverage as caretakers of a dependent child. BEM 135 (July 2013), pp. 1, 3. There was no evidence presented at the hearing that Claimant was pregnant, or recently pregnant or blind or disabled, or that either Claimant or her husband met the age requirements.

Claimant's husband did allege that he was disabled. Department policy provides that, 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. In this case, there was no evidence that

Claimant or her husband had advised the Department of any alleged disability until Claimant's husband filed an application for disability-based MA after the [REDACTED] 2013, closure of his MA case.

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 acted in accordance with Department policy when it closed Claimant's and her husband's MA cases.

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: January 23, 2014

Date Mailed: January 23, 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

2014-737/ACE

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:

