

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 15-019478
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: January 20, 2016
County: Washtenaw- Dist. 20

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on January 20, 2016. The Claimant personally appeared and testified. [REDACTED], Eligibility Specialist and [REDACTED], Family Independence Manager, appeared and testified on behalf of the Department of Health and Human Services (DHHS or Department).

ISSUE

Did the Department properly close claimant's daughter's Healthy Michigan Medical case?

FINDINGS OF FACT

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

1. Claimant's daughter had an open Healthy Kids Medical case.
2. On January 15, 2013, the Department sent Claimant a redetermination packet to be filled out and returned to the Department by February 1, 2013.
3. No redetermination packet was turned in by February 1, 2013.
4. No negative action notice was sent out and the case was kept in pending.
5. On April 29, 2014, the Department sent Claimant a verification checklist to be completed and returned to the Department.
6. On May 6, 2015, Claimant came into the office and handed in verification information.

7. On July 28, 2015, Claimant's daughter's Healthy Kids Medical case closed for failure to return verification items.
8. The Department representative conceded at the hearing that the case was closed in error and that she would reinstate the Healthy Kids Medical case from October 2014 through August 2015, as the case was closed without issuance of a negative action letter and in error.

CONCLUSIONS OF LAW

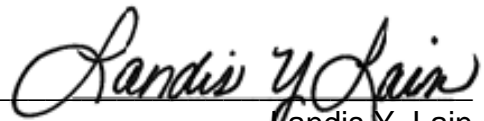
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Department's representative conceded on the record that the Claimant's daughter's Healthy Kids Medical case closed in error. The Department representative agreed to reinstate the case from October 2014 through August 2015 because the child should have been covered.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the decision to close the Healthy Kids case was in error and cannot be upheld.

Accordingly, the Department's decision is **REVERSED**. The Department is **ORDERED** to reinstate claimant's daughter's Healthy Kids case, if she is otherwise eligible from October 2014 through August 2015.



Landis Y. Lain
Administrative Law Judge
For Nick Lyon, Director
Department of Health and Human Services

Date Signed: **1/22/2016**

Date Mailed: **1/22/2016**

[REDACTED]
Docket No. : 15-019478

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

LYL [REDACTED]

cc:

[REDACTED]