

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED],
Claimant,

Reg No: 2009-33905
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 26, 2010
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Lansing, Michigan on May 26, 2010.

ISSUE

Whether the Department properly closed Claimant's Medical Assistance (MA) case based upon her failure to provide requested verification(s)?

FINDINGS OF FACT

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

- (1) Claimant was a MA recipient.
- (2) Department records show Claimant's residence address as [REDACTED],

[REDACTED] and her mailing address as [REDACTED]

[REDACTED]. (Exhibit 4)

(3) On May 20, 2009, the Department sent Claimant a Redetermination with a due date of June 1, 2009. The Redetermination was sent to the [REDACTED] address. (Exhibits 9, 10)

(4) The Redetermination was not sent back to the Department.

(5) On June 18, 2009, the Department sent Claimant a Notice of Case Action (NOCA) informing her that her MA would close effective July 1, 2009 – ongoing. The NOCA was sent to the [REDACTED] address. (Exhibits 6, 13)

(6) On July 14, 2009, the Department received Claimant’s hearing request. (Exhibit 7)

(7) On July 16, 2009, the Department sent correspondence to Claimant at the [REDACTED] address. (Exhibit 3)

(8) On July 27, 2009, the Department sent a Hearings Summary Letter – Services Program to the [REDACTED] address. (Exhibit 1)

CONCLUSIONS OF LAW

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. BAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130, p. 2 When

documentation is not available, or clarification is needed, collateral contact may be necessary.

BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once.

BAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p.4

In the instant case, there was quite a bit of confusion at hearing in regard to where the Redetermination was sent and where it should have been sent. Claimant was living at the [REDACTED] address. [REDACTED] was living at the [REDACTED] address. It appears that some documents were being sent to the [REDACTED] address and some to the [REDACTED] address. I am not satisfied that Claimant received the Redetermination under the circumstances as they existed in this case.

With the above said, I do not find that the Department established that it acted in accordance with policy in terminating Claimant's MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in terminating Claimant's MA benefits.

Accordingly, the Department's MA eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

(1) Resend a redetermination to Claimant and process it retroactive to the closure date.

(2) Issue Claimant supplemental benefits she is entitled to, if any.

(3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 10, 2010

Date Mailed: June 11, 2010

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 60 days of the filing of the original request.

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 was made, within 30 days of the receipt date of the rehearing decision.

SMB/vc

cc:

[REDACTED]