

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 200911222
Issue No: [REDACTED]
Case No: [REDACTED]
Hearing Date:
March 22, 2011
Ionia County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to 7 CFR 273.18; 45 CFR 233.20(a)(13); MCL 400.9; MCL 400.37; MCL 400.43(a); MAC R 400.941 and MCL 24.201, *et seq.*, upon a hearing request by the Department of Human Services (department) to establish an overissuance of benefits to Respondent. After due notice was mailed to Respondent, a hearing was held March 22, 2011, at which Respondent did not appear. This matter having been initiated by the department and due notice having been provided to Respondent, the hearing was held in Respondent's absence in accordance with Bridges Administrative Manual, Item 725.

ISSUE

Whether Respondent received an overissuance of Medical Assistance (MA) benefits that the department is entitled to recoup?

FINDINGS OF FACT

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

1. Respondent was receiving Medical Assistance (MA) at all times pertinent to this hearing.
2. Respondent signed Assistance Application (DHS-1171) on February 28, 2008, acknowledging that she understood her failure to give timely, truthful, complete and accurate information about her

circumstances could result in a civil or criminal action or an administrative claim against her. (Department Exhibits 67-73).

3. On April 1, 2008, Respondent's MA case was scheduled to be changed to a Medicaid deductible for failure to report her child support arrearage income. (Department Exhibits 65-66).
4. Respondent timely submitted a Request for a Hearing on March 18, 2008, and Respondent continued to receive MA benefits pending the hearing. (Department Exhibits 5, 7-9, 15-18).
5. On October 14, 2008, Respondent failed to show for the scheduled hearing and her MA benefit case was changed to a deductible. (Hearing Summary; Department Exhibit 50).
6. Respondent received \$200.89 in MA benefits during the pending of the hearing regarding the closure of her MA benefit case for the period of May 2008 through August, 2008. (Department Exhibits 5, 7-9, 15-18).
7. Respondent failed to appear for her hearing, resulting in a MA overissuance for the months of May 2008 through August, 2008, in the amount of \$200.89 in MA benefits. (Department Exhibits 5, 7-9, 15-18).
8. Respondent submitted a hearing request on November 24, 2010 protesting the debt establishment. (Request for a Hearing).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Departmental policy, states that when the client group receives more benefits than the group is entitled to receive, DHS must attempt to recoup the overissuance (OI). Repayment of an OI is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the OI occurred. Bridges will collect from all adults who were a member of the case. OIs on active programs are repaid by lump sum cash payments, monthly cash payments (when court ordered), and administrative recoupment (benefit reduction). OI balances on inactive cases must be repaid by lump sum or monthly cash payments unless collection is suspended. BAM 725.

In this case, the department has established that Respondent was aware of the responsibility to report all income and employment to the department. Department

policy requires clients to report any change in circumstances that will affect eligibility or benefit amount within ten days. BAM 105. Respondent has no apparent physical or mental impairment that limits the understanding or ability to fulfill the reporting responsibilities.

In this case, Respondent's MA benefit case was due to change to a Medicaid deductible on April 1, 2008, for her failure to report child support arrearage income. Respondent timely submitted a Hearing Request and MA benefits continued to be paid to Respondent pending the hearing. Respondent failed to show for the scheduled hearing on October 14, 2008, and Respondent's MA case was changed to a Medicaid deductible.

Because the benefits were pended as a result of Respondent's hearing request, the department is required to recoup the benefits if the client fails to appear for the hearing. The overissuance is calculated from the date the negative action would have taken effect until the date the negative action is subsequently implemented. BAM 600. The change to a deductible of Respondent's MA case was scheduled for April 1, 2008. As a result of Respondent's failure to attend the hearing, the MA case was closed effective October 14, 2008, making the end date August 31, 2008, the last date Respondent was issued MA benefits.

This Administrative Law Judge finds that the evidence presented by the department shows that Respondent failed to report her child support arrearages income or attend her hearing protesting the change of her Medicaid case to a deductible. Therefore, Respondent is responsible for repayment of the overissuance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Respondent received an overissuance of MA benefits for the time period of May 2008 through August, 2008 that the department is entitled to recoup.

The department is therefore entitled to recoup MA overissuance of \$200.89 from Respondent.

It is SO ORDERED.

/s/ _____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 24, 2011

Date Mailed: March 24, 2011

NOTICE: The law provides that within 60 days of mailing of the above Decision the Respondent may appeal it to the circuit court for the county in which he/she resides or has his or her principal place of business in this state, or in the circuit court for Ingham County. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Hearing Decision, may order a rehearing.

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.

VLA [REDACTED]

cc: [REDACTED]