

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: 2010-27795

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 11, 2010

Eaton 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 11, 2010.

ISSUE

Whether the Department properly terminated Claimant's Medical Assistance (MA) benefits 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 and Food Assistance Program (FAP) recipient.
- (2) On April 30, 2009, Claimant's FAP benefits terminated for failure to provide requested information/verification. (Exhibit 5)

(3) On November 16, 2009, the Department sent Claimant a Redetermination with a due date of December 1, 2009. (Exhibits 10-13)

(4) Claimant did not return the Redetermination.

(5) On December 23, 2009, the Department sent a Notice of Case Action to Claimant informing her that her MA benefits terminated for failure to provide requested information/verification and/or not returning the Redetermination. (Exhibits 7-9)

(6) On March 23, 2010, the Department received Claimant's hearing request for – "medicare, medicaid, food stamp and emergency assistance" – using the hearing request form from the December 23, 2009 Notice of Case Action. (Exhibit 2)

(7) Claimant has not applied for State Emergency Relief (SER) benefits.

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).

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, Claimant did not file a timely hearing request on the termination of her FAP benefits. Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. A hearing request filed outside the 90 days cannot be heard for lack of jurisdiction. Claimant did not file her request for almost a year after her FAP benefits were terminated. Claimant also has not applied for SER benefits, therefore, there has been no Department decision to request a hearing on and/or to review. As to Claimant's MA benefits, there is no dispute that Claimant did not return the Redetermination to the Department.

With the above said, I 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, finds that the Department acted in accordance with policy in terminating Claimant's MA benefits.

Accordingly, the Department's MA eligibility determination is AFFIRMED, it is SO ORDERED.

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

Date Signed: _____

Date Mailed: _____

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.

SB/lk

Cc:

