

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 201033083  
Issue No.: 2018  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: July 22, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Jeanne VanderHeide

**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 conducted from Detroit, Michigan on July 22, 2010. The Claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department.

**ISSUE**

Whether the Department properly closed the Claimant's Medical Assistance Program ("MA-P") benefits effective 3/31/10?

**FINDINGS OF FACT**

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

1. The Claimant was an active MA recipient.
2. On 2/9/10, the Department mailed Claimant a redetermination application along with a notice of telephone interview scheduled for 3/8/10. (Exhibit 1, pp. 3).

3. Claimant testified that she submitted all pages of the forms and all required verifications via her daughter delivering the documents to the Department prior to 3/8/10.
4. Claimant testified that she was available and waiting for the scheduled 3/8/10 telephone interview, but never received a phone call.
5. The Department admitted the telephone call was not made on 3/8/10.
6. Claimant testified that she tried to contact the Department on approximately 3/15/10 to discuss the MA recertification.
7. The Department testified that a phone call was made to Claimant and a message left on Claimant's home phone on 3/18/10. (See notes, Exhibit 1, p. 2).
8. The Department did not mail Claimant any Notice of Missed Interview with instructions to reschedule the interview before a certain date.
9. The Claimant's MA benefits were closed effective 3/31/10.
10. The Claimant filed a request for a hearing on April 26, 2010.

### **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, formally known as the Family Independence Agency, 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 Reference Tables ("RFT").

Benefits will stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. If the client does not complete the redetermination process, the benefit period is allowed to expire. The redetermination process begins when the client files a DHS-1171, Assistance Application, DHS-1010, Redetermination, DHS-1171, Filing Form, or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, p. 2. The Department is required to conduct an in-person interview at redetermination before determining ongoing eligibility. BAM 210, p. 4.

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. This allows time to process the redetermination before the end of the redetermination month. A redetermination must be completed by the end of the current benefit period so that the client can receive uninterrupted benefits by the normal issuance date. BAM 210, pp. 2 and 12. A telephone interview is not necessary as a condition of eligibility for AMP or MA benefits. BAM 210, p. 4.

In the present case, Claimant testified credibly that she turned in all the redetermination forms requested. The Department indicated that it did not receive pages 3 and 4 of the redetermination packet. The Department also indicated that a specific message was

left advising Claimant to turn in pages 3 and 4 on 3/18/10. However, the case worker notes show only that the client was called on 3/18/10 and was told that pages were missing. Claimant testified credibly that she attempted to contact the Department several more times to clarify what was missing but did not receive a return phone call.

Furthermore, Claimant testified that she was available all day waiting for the 3/8/10 scheduled interview. The Department ignored the scheduled interview because the worker was scheduled to work that day on the floor. While Bridges schedules the interview dates before the workers' schedules are set, that does not excuse the Department from complying somehow with scheduled and noticed interviews. How does the Department expect their clients to take a scheduled interview seriously when there is no attempt to construct schedules to allow workers to meet the interview dates? This particular MA closure, resulting hardship to the Claimant and the State's time and money spent on this hearing could have all been avoided had the Department followed through with the scheduled interview. In addition, the Department never sent out notice that the MA was going to close.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

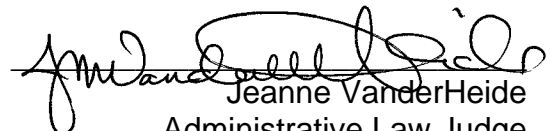
**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant's MA benefits effective 3/31/10.

Accordingly it is Ordered:

1. The Department's 3/31/10 MA closure is REVERSED.
2. The Department shall reopen the Claimant's MA case back to the date of closure, 3/31/10, delete any related negative action and supplement the Claimant for any lost benefits she was otherwise entitled to receive.

/s/

  
Jeanne VanderHeide  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

201033083/JV

Date Signed: July 28, 2010

Date Mailed: July 28, 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 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.

JV/hw

cc:

[REDACTED]