

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

IN THE MATTER:



Reg No. 201053368  
Issue No. 2014  
Case No. [REDACTED]  
Load No. [REDACTED]  
Hearing Date: October 6, 2010  
Allegan County DHS

**ADMINISTRATIVE LAW JUDGE:** Jana A. Bachman

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon request for a hearing. After due notice, telephone hearing was held on October 6, 2010.

**ISSUE**

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Medical Assistance (MA) benefits?

**FINDINGS OF FACT**

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

1. On or about June and July 2010, claimant was receiving ALMB due to a timely hearing request.
2. On or about July 2010, the department terminated claimant's ALMB in error. The department has attempted to reinstate the ALMB pending the hearing; however, computer problems have presented them doing so.

**CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by the 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 (formerly 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 Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers:

### **All Programs**

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for any of the following reasons:

- Closed in error.
- Closed-correct information not entered.
- Timely hearing request.
- Redetermination packet not logged in.
- Hearing decision ordered reinstatement. Complied with program requirements before negative action date. DHS-1046 manually sent and due date is after the last day of the 6th month.
- Court ordered reinstatement.

Bridges Administrative Manual (BAM) 205; 42 CFR 431.230,.231,.246,.250.

You must act on a change reported by means other than a tape match within 15 workdays after you are aware of the change.

Bridges Administrative Manual (BAM) 220; 42 CFR 431.200-.250  
42 CFR 435.912-.913,.919.

## **STANDARD OF PROMPTNESS**

### **All Programs**

Reinstatements due to an agency error must be processed within timeframes outlined in BAM 220 processing case changes . Reinstatements ordered as part of a hearing decision must be processed within timeframes outlined in BAM 600.

In this case, the department terminated a benefit claimant was receiving due to a timely hearing request. The department has not been able to reinstate the benefit. As of the hearing date, claimant is not receiving the benefit. Finding of Fact 1-2. Department policy requires that a claimant who requests a timely hearing should continue to receive benefits and if a benefit is terminated in error, that it should be reinstated within 15 days. BEM 205; 220. Thus the department is clearly in error. However, the department was upheld regarding the original issue on the timely hearing request and claimant would thus have to pay back

the benefit. Accordingly, the department is in error but there is no remedy to be ordered.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services did not act in compliance with department policy when it terminated and failed to reinstate claimant's ALMB benefits pending timely hearing request.

Accordingly, the department's action is HEREBY REVERSED. No order is issued as the department is upheld on the original matter of eligibility for ALMB benefits and claimant would be required to repay said benefits if they were issued to this Decision and Order.

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Jana A. Bachman  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 10, 2010

Date Mailed: December 13, 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 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.

JAB/db

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