

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.: 201017319
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 15, 2010
Oakland County DHS (63)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 held on September 15, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's MA benefits due to the alleged failure by Claimant to submit a Redetermination form.

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 an ongoing grantee of a DHS case in which two of her grandchildren were ongoing MA recipients.
2. Claimant's MA benefit period was scheduled to end on 12/31/09.
3. DHS mailed Claimant a Redetermination (DHS-1010).
4. Claimant timely completed and returned the DHS-1010.
5. DHS failed to process Claimant's DHS-1010.
6. On 12/31/09, Claimant's MA benefits for her grandchildren ended because of the DHS failure to process the returned DHS-1010.

7. On 12/23/09, Claimant requested a hearing objecting to the anticipated closure of the MA benefits for her grandchildren.

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).

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination vary based on the program scheduled for review though typically DHS mails a Redetermination (DHS-1010) for most program reviews. Failure by a client to submit any of the needed documents during the benefits period results in denial of the redetermination and case closure. *Id.*

In the present case, the DHS Hearing Summary conceded that Claimant timely submitted a Redetermination and that the closure of MA benefits was due to DHS error. The Hearing Summary also indicated that DHS would process Claimant's redetermination with a 1/1/10 begin date; unfortunately for Claimant, DHS has yet to correct their error. It is found that DHS improperly failed to process Claimant's MA benefit redetermination beginning 1/1/10.


DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's redetermination for MA benefits. It is ordered that DHS reinstate Claimant's MA benefits for her grandchildren beginning 1/1/10. Following reinstatement of the MA benefits, DHS may make subsequent requests for needed verification from

201017319/CG

Claimant in accordance with their policies.

/s/


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 28, 2010

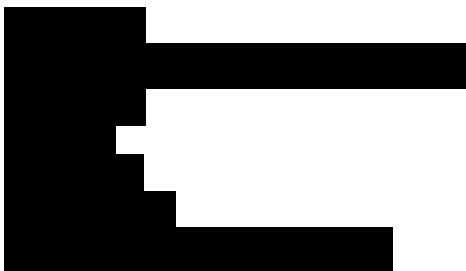
Date Mailed: September 28, 2010

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.

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