

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:

[REDACTED]

Reg. No.: 201017459
Issue No.: 2006; 2017
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 9, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 9, 2010. The Claimant appeared with her daughter-in-law, [REDACTED], and both testified. [REDACTED] FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's ALMB benefit for failing to return verifications?

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 ALMB recipient.
- (2) Pursuant to a scheduled review, a verification checklist was sent to Claimant on November 16, 2009 with a December 11, 2009 due date.
- (3) Claimant failed to provide the requested verifications and did not request an extension.
- (4) On December 18, 2010 the case was put into negative action.

- (5) On January 1, 2010 Claimant's MA case closed.
- (6) Claimant requested hearing on December 22, 2010 contesting the closure of her ALMB 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 (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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4.

In the present case, Claimant testified she did not know whether she received the redetermination notice, or whether she completed and returned it. Claimant testified that she sometimes has difficulty remembering.

Department policy requires periodic redeterminations to verify ongoing eligibility. BAM 210 Claimant's must cooperate with redeterminations to maintain eligibility. The Department was correct in closing Claimant's case after verifications were not received. BAM 130 Claimant failed to cooperate with Department policy and procedures and did not have good cause for failing to do so, therefore the closure of benefits was proper and correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in the closure of Claimant's ALMB case and it is ORDERED that the Department's decision in this regard be and is hereby

201017459/AM

AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 20, 2010

Date Mailed: September 20, 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.

AM/hw

cc:

