

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.: 201026240
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 15, 2010
Wayne County DHS (15)

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 failed to process a redetermination of Medical Assistance (MA) benefits due to Claimant's alleged failure to timely return a Redetermination.

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 MA benefits recipient.
2. Claimant's MA benefit period was scheduled to end on 7/31/09.
3. On an unspecified date, DHS mailed Claimant a redetermination packet which included forms and requests for verifications that had to be returned for Claimant's MA benefits to continue.
4. DHS gave Claimant until an unspecified date, known to be prior to 7/17/09, for Claimant to return the redetermination materials.

5. Claimant failed to return any of the redetermination materials prior to the due date.
6. On 7/17/09, DHS mailed Claimant a Notice of Case Action (Exhibit 1) notifying Claimant that the MA benefits for her three children would be terminated on 7/28/09 due to a failure to return redetermination documents.
7. After receiving the Notice of Case Action, Claimant contacted DHS and left several telephone messages for her specialist about what to do to continue receiving MA benefits.
8. Claimant's specialist failed to respond to Claimant's messages.
9. Claimant's MA benefits were terminated on 7/28/09.
10. On 7/31/09, Claimant requested a hearing disputing the DHS termination of MA 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 Reference Tables Manual (RFT). At the time of Claimant's application, DHS policies were found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

DHS must periodically redetermine an individual's eligibility for benefit programs. PAM 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 a Redetermination (DHS-1010) is a redetermination form that is typically mailed.

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, DHS contends that DHS timely mailed Claimant a Redetermination and that Claimant failed to timely return the Redetermination or any other documents prior to the end of her MA benefit period. Claimant responded that she never received any documents that needed to be returned prior to the end of her benefits period. Claimant further testified that she contacted her specialist several times after receiving a letter threatening the closure of her MA benefits but her specialist was non-responsive. Local offices must assist clients who need and request help to complete applications and forms. BAM 210 at 1.

Concerning the issue of the redetermination documents, Claimant's testimony was credible. In 7/2009, the month prior to the implementation of Bridges, specialists were required to manually mail redetermination packets. It is more likely that a specialist would have failed to mail a redetermination packet than the automated system, Bridges, which is now currently used to mail documents. Also, it is quite believable that Claimant made calls to her specialist asking for assistance in what needed to be done to stop the benefit termination; DHS could not rebut this testimony. It is also believable that Claimant's messages were unreturned by her specialist. This is especially believable considering that the phone calls were made in the weeks prior to the implementation of Bridges when many DHS offices were operating in a chaotic environment. Also, DHS failed to submit proof of the redetermination packet mailing.

Claimant's testimony was not without flaws. Claimant indicated that the MA benefits for her children were "very important" but Claimant did not sufficiently explain why she did not reapply for MA benefits until several months later. This evidence tends to show a lack of effort by Claimant that tends to indicate that Claimant was not as concerned about her children's MA benefits as much as she testified. The lack of effort is consistent with a finding that Claimant received a redetermination packet and never bothered to return it.

Claimant requested a hearing on 7/31/09. Claimant's children still had MA benefits on 7/31/09. By requesting a hearing during a time her children still had MA benefits tends to show Claimant was concerned about her children's MA benefits because she responded quickly to the notice of closure. This concern would tend to show that Claimant would not have ignored redetermination documents. It also tends to show that Claimant contacted DHS via telephone about continuing MA benefits. Overall, Claimant's credibility was more credible than not. It is found that Claimant attempted to contact DHS about continuing MA benefits for her children during her children's MA benefit period. It is also found that DHS did not sufficiently respond to and assist Claimant by explaining to her what Claimant needed to do to continue the MA benefits. Accordingly, it is found that DHS improperly terminated Claimant's MA benefits based


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on the DHS failure to respond to Claimant's requests for assistance in continuing her MA benefits.

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 terminated Claimant's redetermination for MA benefits. It is ordered that DHS make requests for necessary forms and verification in compliance with their policies in redetermining Claimant's MA benefits beginning 8/1/09.

/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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