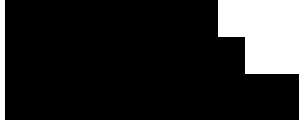


STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201036108  
Issue No: 2006  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
October 6, 2010  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

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

ISSUE

Did the Department of Human Services (DHS) correctly close claimant's MA case?

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 a MA recipient in Wayne County.
- (2) Claimant's benefit cases were allegedly placed into closure on March 1, 2010, because claimant failed to submit a recertification packet.
- (3) No evidence was submitted to document this allegation.
- (4) No evidence was submitted to justify closure of any programs.
- (5) Claimant presented testimony at the hearing that rebutted DHS allegations.

- (6) On March 1, 2010, claimant requested a hearing.

### 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 (DHS or Department) 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 Bridges Reference Manual (BRM) and Reference Tables (RFT).

Under normal circumstances, the undersigned would begin a recitation of the applicable law, and state exactly how it was relevant to the current case. However, these are not normal circumstances. During the course of the hearing, the Department submitted two exhibits: Exhibit 1 consisted of the hearing summary, and Exhibit 2 consisted of the notice of case action. No other evidence was offered. The only evidence offered was testimony that the claimant's benefit case was closed because claimant failed to submit a recertification packet. The contents of the packet or the proof of mailing was not offered, nor any evidence that showed that the Department failed to receive this packet.

The undersigned asked the Department if it wished to offer any more supporting evidence and was told by the Department that they were satisfied with their case.

Therefore, the Administrative Law Judge rules that the Department has failed to meet their burden of proof in proving that claimant was correctly terminated from his benefit case. No evidence was offered that the Department decision was correct, other than some brief testimony. No documentary evidence was provided. The Department's case packet consisted of 3 pages, which consisted of the hearing summary and case

action notice. For these reasons, the undersigned must hold that the Department has not proven their case.

The Administrative Law Judge is under no burden to remind the Department of what is needed to prove their case, and will not argue the Department's case for them. If the Department fails to submit adequate evidence, the Administrative Law Judge will rule on the evidence that has been provided.

In the current case, no evidence has been provided. Even if the undersigned were willing to take the Department's testimony at face value, no proof was offered that the packet in question was even sent.

Therefore, the undersigned must rule that the claimant's benefit case was closed incorrectly.

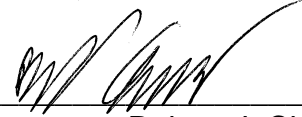
Furthermore, the claimant presented sworn testimony from a witness, not rebutted by the Department, showing that the packet was returned. While this evidence would not normally establish a prima facie case, the evidence was not disputed by the Department, and the undersigned found the testimony credible. Therefore, the Administrative Law Judge holds that the recertification packet was returned, and MA eligibility should not have ceased.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not presented evidence of a correct case closure.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reinstate claimant's MA benefits, retroactive to the date of case closure. The Department is FURTHER ORDERED to issue any supplemental benefits to which the claimant is otherwise entitled. Should the Department require a recertification packet for its files, the Department may request further documentation from the claimant.



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Robert J. Chavez  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 10/13/10

Date Mailed: 10/15/10

**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.

RJC/dj

cc:

