

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.: 2010-42924  
Issue No.: 2012  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: October 21, 2010  
DHS County: Wayne (82)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 20, 2010. Claimant did not appear. [REDACTED], Claimant's children, appeared and testified on their mother's behalf. [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) coverage for June and July 2009?

**FINDINGS OF FACT**

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

1. In April 2009, Claimant's MA benefits were reviewed as part of DHS' annual Redetermination procedures.
2. In April 2009, in fulfillment of the Redetermination requirements, Claimant's son, Richard Van Camp, submitted the required bank account and pension statements by hand delivering them to the DHS office.
3. DHS misplaced or lost Claimant's Redetermination documentation and terminated her MA benefits.
4. Claimant was not notified that her benefits were terminated.

5. On April 8, 2010, Claimant filed a hearing request with DHS.

### **CONCLUSIONS OF LAW**

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10, *et seq.*, and MCL 400.105. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

The applicable DHS manual section in this case is BAM 105, "Rights and Responsibilities." BAM 105 states that DHS policy is as follows:

#### **DEPARTMENT POLICY**

##### **All Programs**

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

BAM 105, p. 1 of 13. (Bold print in original.)

In this case, Claimant's son gave credible and un rebutted testimony that he hand-delivered Claimant's April bank account and pension statements to DHS. I accept his testimony and find and conclude that DHS failed to protect client rights as required by policy when it misplaced or lost these documents.

I also find and conclude that Claimant fulfilled her obligation to cooperate with her local DHS office, which is also required by BAM 105 on page 5:

#### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

##### **Responsibility to cooperate**

**All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. ...

Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. *Id.*, p. 5 of 13. (Bold print in original.)

I determine that Claimant's obligation to cooperate in this case was fulfilled based on [REDACTED] credible and un rebutted testimony that he hand-delivered the documents to the DHS office in a timely fashion.

In conclusion, I decide that DHS failed to protect the client's rights in this matter and its action shall be REVERSED. Claimant is eligible for Medicaid for June and July 2009. DHS is ORDERED to process Claimant's MA Redetermination in accordance with all DHS policies and procedures.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, hereby determines that DHS is REVERSED. It is ORDERED that DHS shall process Claimant's Medicaid Redetermination and allow benefits for June and July 2009 in accordance with DHS policies and procedures.



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Jan Leventer  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: October 25, 2010

Date Mailed: October 25, 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.

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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.

JL/pf

cc:

