

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: 201048376  
Issue No: 2006  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
November 3, 2010  
Macomb 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 November 3, 2010.

ISSUE

Was the claimant's MA case properly closed for failing to return a redetermination packet?

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 Macomb County.
- (2) On January 12, 2010, DHS sent claimant a DHS-1010, Redetermination, for claimant's open MA case.
- (3) Claimant received this notice.
- (4) On February 8, 2010, claimant returned all required materials.

- (5) On February 12, 2010, claimant was sent a DHS-1605, notifying the claimant that his MA case would be closed on March 1, 2010.
- (6) On April 6, 2010, claimant filed a request for 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).

In the current case, the Department contends that claimant did not return his DHS-1010 as required by policy.

Claimant contends that he returned all required documents on February 8, 2010.

The undersigned notes that the Department representative was unfamiliar with the case, and therefore was not able to testify personally as to the facts at hand. Additionally, none of the submitted evidence shows that claimant failed to return any of the required documents. While the evidence submitted would be adequate to show that claimant was sent a DHS-1010, this evidence is not helpful in making a determination as to whether claimant turned in the documents in question. No records of any sort show that claimant failed to return the documents.

Furthermore, the Administrative Law Judge has determined that the claimant is credible, and thus finds his statements credible. The claimant's demeanor, manner, and

testimony at the hearing painted a picture of credibility, and the undersigned, as the principal finder of fact, is willing to accept claimant's version of events.

Therefore, as the undersigned finds the claimant credible, and as the Department has not offered any rebuttal to the claimant's statements, the undersigned finds that the claimant turned in all required forms, and should not have had his MA case placed into closure.

### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to place claimant's assistance case into closure was incorrect.

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 negative action, and issue any supplemental benefits, retroactive to that date of negative action, to which the claimant is otherwise entitled.



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

Date Signed: 11/19/10

Date Mailed: 11/22/10

**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:

