

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.: 2010-49552
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 8, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Monday, November 8, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance ("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. The Claimant was a MA recipient.
2. On August 19, 2009, the Department sent the Claimant a redetermination packet. (Exhibit 1)
3. The redetermination packet and verifications were due on September 1, 2009. (Exhibit 1)
4. The Claimant did not return the requested information necessary to determine continued eligibility.

5. On March 19, 2010, the Department sent the Claimant a Notice of Case Action informing her that her MA benefits would terminate effective April 1, 2010. (Exhibit 2)
6. On March 30, 2010, the Department received the Claimant's timely written request for hearing. (Exhibit 4)
7. The Claimant's MA case closed effective April 1, 2010. (Exhibit 3)

CONCLUSIONS OF LAW

The Medical Assistance program is established by the 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 Bridges Reference Manual ("BRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 If the client cannot provide the verification for MA purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.* The Department periodically re-evaluates cases to ensure continued eligibility for benefits. BAM 210 MA benefits will terminate at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is entered. BAM 210 If the client does not submit a redetermination request, the benefit period expires. BAM 210 A negative action notice is sent when the client refuses to provide the requested verifications or the time period has lapsed for the request and the client has not made a reasonable attempt to provide it. BAM 130

In this case, the Claimant was unsure of whether she received the redetermination packet although it was sent to the correct address. The redetermination packet was not returned to the department as undeliverable. Ultimately, the redetermination was not completed and the Department properly terminated the Claimant's MA benefits. Accordingly, the Department established it acted in accordance with department policy when it closed the Claimant's MA case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department established it acted in accordance with department policy when it closed the Claimant's MA case.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/09/2010

Date Mailed: 11/09/2010

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.

CMM/jlg

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