

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.: 2010-51879
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: December 9, 2010
DHS County: Wayne (82-82)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 December 9, 2010. Claimant's representative appeared.

ISSUE

Did the Department of Human Services (DHS or Department) properly close 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. In April 2009, Claimant's case was transferred to the medical district after the Claimant went into a long-term care facility.
2. On April 23, 2009, the Department confirmed Claimant was still in the long-term care facility.
3. In April 2010, the Department sent redetermination paperwork to Claimant at the long-term facility.
4. On April 19, 2010, the Department closed Claimant's case after Claimant failed to return the redetermination paperwork.
5. On August 17, 2010, a request for hearing received.

CONCLUSIONS OF LAW

The 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 (formerly known as the Family Independence Agency) administers MA 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 (B EM) and the Program Reference Manual (PRM).

In the present case, Claimant's MA case was closed for failure to return redetermination paperwork. Claimant was placed into a long-term care facility and the Department changed her address to that of the facility. Claimant returned home prior to the review date. Neither Claimant nor her representative advised the Department of her return home. Therefore, the review paperwork was sent to the facility. The facility failed to forward the paperwork to the Claimant and failed to again advise the Department Claimant had moved back home.

Relevant policy can be found in BAM Item 105, pp.7-8:

All Programs

This section applies to all groups **except** most FAP groups with earnings; see BAM 200, Food Assistance Simplified Reporting.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. Changes must be reported within 10 days of receiving the first payment reflecting the change.

Income reporting requirements are limited to the following:

Earned income:

- Starting or stopping employment.
- Changing employers.
- Change in rate of pay.
- Change in work hours of more than five hours per week that is expected to continue for more than one month.

Unearned income:

- Starting or stopping a source of unearned income.
- Change in gross monthly income of more than \$50 since the last reported change.

Exception #1: For Medicaid, clients must report a change in gross monthly income of more than \$25 since the last reported change.

Exception #2: Only certain changes affect eligibility for Healthy Kids before redetermination; see **ONGOING ELIGIBILITY** in BEM 129 and BEM 131.

See BAM 220 for processing reported changes.

Other changes must be reported within 10 days after the client is aware of them. These include, but are **not** limited to, changes in:

- Persons in the home.
- Marital status.
- Address and shelter cost changes that result from the move.
- Vehicles.
- Assets.
- Child support expenses paid.
- Health or hospital coverage and premiums.
- Child care needs or providers.

For FAP only, see BEM 554, Estimated Medical Expenses, for reporting requirements of medical expenses.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary; see BAM 130 and BEM 702.

The Department properly closed Claimant's MA case for failure to return review documents timely. Claimant failed to advise the Department of an address change within 10 days as required by policy. Therefore, the Department properly sent redetermination materials to the last address provided.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted according to policy.

Therefore, it is ORDERED that the Department's decision in this regard be and is hereby UPHeld.



Jonathan W. Owens
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 5, 2011

Date Mailed: January 5, 2011

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.

JWO/pf

cc:

