

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 201052

Issue No.: 2018

Case No.:

██████████

Load No.:

Hearing Date:

April 21, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing. After due notice, an in-person hearing was conducted from Detroit, Michigan on April 21, 2010. The Claimant was not present but was represented by ██████████ of ██████████. Claimant's grandmother, ██████████ appeared and testified. ██████████ ES appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Medical Assistance Program ("MA-P"), for failure to return redetermination forms?

FINDINGS OF FACT

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

1. Claimant was an active MA recipient due to cancer.

2. The Department had no information about Claimant's MA case.
3. Claimant's witness testified that she turned in the redetermination packet on or right before the due date by appearing in person at the Grand River/Warren district DHS, signing the log book and handing the clerk the completed packet.
4. The Claimant testified that the Department denied Claimant's MA benefits for a failure to turn in the redetermination packet.
5. Claimant requested a hearing contesting the department's determination on August 24, 2009.

#### 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, formally 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 Reference Tables ("RFT").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105, p. 1. Medicaid is also known as Medical Assistance ("MA"). *Id.* Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4;

BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the subject case, the Department could not locate Claimant's medical file or offer any testimony to contradict the Claimant's evidence. The Administrative Law Judge, therefore, finds that Claimant properly and timely submitted his redetermination packet and the Department closed Claimant's MA case in error.

Accordingly, based on the above reference facts and applicable law, the Departments decision to close Claimant's MA case is REVERSED.


#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department did not act in accordance with Department policy when it denied Claimant MA benefits.

Accordingly, it is Ordered:

1. The Department's determination to close Claimant's MA benefits is REVERSED.
2. The Department shall reopen Claimant's MA case from the date of closure and delete any associated negative action in Claimant's MA file.
3. The Department shall determine whether Claimant was entitled to MA benefits during any of the months that his case was closed and if so, allow Claimant to submit receipts for medical expenditures.

4. The Department shall supplement the Claimant for any lost benefits he was otherwise entitled to receive from the date of closure through the present.

/s/   
Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: May 6, 2010

Date Mailed: May 6, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

JV/hw

cc:

