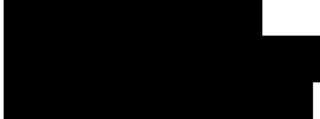


STATE OF MICHIGAN

STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 20111957  
Issue No: 2006  
Case No: [REDACTED]  
Hearing Date: February 3, 2011  
Livingston County DHS

**ADMINISTRATIVE LAW JUDGE:** Janice G. Spodarek

**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 telephone hearing was held on February 3, 2011. .

**ISSUE**

Did the DHS properly propose to close claimant's Medicaid (MA) on the grounds claimant failed to cooperate with the redetermination requests?

**FINDINGS OF FACT**

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

1. At all relevant times prior to the negative action hearing, claimant was a Medicaid (MA) recipient with the Michigan DHS.
2. Claimant's Medicaid case was scheduled for a redetermination in August, 2010.
3. Pursuant to the redetermination, the department sent paperwork for claimant to complete with a due date of September 1, 2010.
4. On September 17, 2010, the forms were not returned. On September 17, 2010, the DHS issued a Notice of Case Action (DHS-1605)

to claimant informing him that his Medicaid would close effective October 1, 2010 for failure to return a completed DHS-1010.

5. On September 21, 2010, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.
6. Claimant is an 81-year-old male who lives by himself. At the administrative hearing, claimant clearly exhibited confusion regarding the redetermination process and his obligations.
7. At the administrative hearing, the department indicated that the file indicates that claimant should have an adult home services person assigned to him to assist him with his paperwork. The department had a Protective Services worker assigned to claimant but failed to have an adult home services individual assigned to claimant.

### **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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

General verification policy and procedure states in part:

#### **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. PAM, Item 105, p. 1.

##### **All Programs**

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 105, p. 5.

## **Responsibility to Report Changes**

### **All Programs**

This section applies to all groups **except** most FAP groups with earnings.

Clients must report changes in circumstances that potentially affect eligibility or benefit amount. Changes must be reported **within 10 days**:

- . after the client is aware of them, or
- . the start date of employment. PAM, Item 105, p. 7.

### **Verifications**

#### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

## **Assisting the Client**

### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

**MA Only**

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

In this case, claimant is 81 years old. At the administrative hearing, claimant clearly exhibited confusion regarding his obligations with regards to the redetermination process. The department stipulated that the file indicated that claimant should have an adult home services worker who would assist claimant in such matters. However, there evidently was some confusion and claimant had only a Protective Services worker assigned to him.

After careful review of the substantial and credible evidence on the whole record, this Administrative Law Judge finds that the department failed to follow its policy in PAM 105 and 130 where policy requires the department to assist individuals when necessary. As the record reflects that claimant was unable to execute the paperwork required for redetermination, the department's proposed actions are reversed. The department indicated it would assist claimant after the administrative hearing to insure that his paperwork is in order.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's proposed actions were incorrect.

Accordingly, the department's proposed actions are REVERSED.

As indicated herein, the department stipulated that it will assist claimant after the administrative hearing to complete his paperwork necessary for the redetermination process.

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/S/  
Janice G. Spodarek  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: February 14, 2011

Date Mailed: February 14, 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.

JGS/db

cc:

