

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.: 2011-2272
Issue No.: 2006/4003
Case No.: [REDACTED]
Hearing Date: January 12, 2011
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 held on January 12, 2011. The claimant appeared and testified; [REDACTED] appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's redetermination for Medical Assistance (MA) and State Disability Assistance (SDA) benefits based on Claimant's alleged failure to timely return verifications after Claimant requested additional time to submit the verifications.

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 ongoing MA and SDA recipient.
2. Claimant's FAP and SDA benefits were due for redetermination by 6/1/10.
3. As part of the redetermination, DHS mailed Claimant a Medical Determination Verification Checklist (Exhibit 1) requesting various documents including a DHS-0049 Medical Examination Report and a DHS-1555 Authorization to Release Protected Health Information.
4. The checklist gave Claimant until 6/1/10 to return all requested documents.

5. After receiving the checklist and prior to 6/1/10, Claimant contacted DHS to report that the documents would be returned after 6/1/10 to allow Claimant's physician time to complete the DHS-0049.
6. On 6/1/10, Claimant returned several of the requested documents to DHS (see Exhibits 3-5).
7. On an unspecified date, DHS denied Claimant's redetermination of SDA and MA benefits after not receiving the DHS-0049 and DHS-1555 by 6/1/10.
8. On 6/18/10 Claimant submitted the DHS-0049 (Exhibit 6) and DHS-1555 (Exhibit 7)
9. On 7/29/10, Claimant requested a hearing disputing the termination of he ongoing SDA and MA benefits.

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 (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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination.

For MA benefits, clients are to be given 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130 at 5. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. *Id*.

For SDA benefits, clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification. *Id*. DHS is to 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. *Id*.

In the present case, several medical documents were requested from Claimant. Claimant timely returned some of the documents and reported to DHS that more time would be needed to submit two other documents. DHS did not dispute that Claimant requested more time to submit two of the requested documents.

Concerning Claimant's MA benefits, DHS should have extended the due date based on Claimant's request. DHS regulations allow up to three extensions. The undersigned finds the DHS failure to extend the due date to be fatal to the termination of Claimant's MA benefits.

Concerning Claimant's SDA benefits, DHS regulations indicate a negative action notice should be sent when there is a refusal to provide verification or the due date has passed and the client has not made a reasonable effort. Claimant never refused to submit the needed documents. It also cannot be reasonably argued that Claimant failed to make reasonable efforts to provide the DHS-0049 and DHS-1555. The DHS-0049 is a document that is to be completed by Claimant's physician, not Claimant. It would be perfectly reasonable to expect the return of this document to take longer than 10 days. It is found that DHS improperly took a negative action concerning Claimant's redetermination of SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's redetermination for MA and SDA benefits. It is ordered that DHS reinstate Claimant's SDA and MA benefits effective 6/1/10, supplement Claimant for any SDA benefits not received and restore Claimant's MA eligibility to the amount received prior to the termination. DHS shall redetermine Claimant's future SDA and MA benefit eligibility based on previously submitted documents by Claimant.

20112272/CG

The actions taken by DHS are REVERSED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/4/2011

Date Mailed: 2/4/2011

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.

CG/jlg

cc:

