

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-31616
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 16, 2011
DHS County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Yasmin Elias

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 Thursday, June 16, 2011. The Claimant appeared and testified. [REDACTED], and [REDACTED], [REDACTED], appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance ("MA") benefit case?

FINDINGS OF FACT

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

1. The Claimant was an MA recipient.
2. On January 13, 2011, the Department mailed a recertification packet to the Claimant.
3. The Claimant was required complete and return the packet to the Department by February 1, 2011.
4. The Claimant completed and returned the packet to the Department by January 25, 2011.

5. On or about the date the packet was due, the Department was moving its offices from one location to another. In addition, the assigned worker was out of the office and her cases were reassigned among other workers.
6. As a result of these events, the Claimant's recertification packet was not timely processed and the Claimant's application for continuing MA was closed effective February 28, 2011.

CONCLUSIONS OF LAW

The MA 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 (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 (RFT).

The record evidence established that the Department terminated the Claimant's MA benefits due to an incorrect assumption that the Claimant had failed to timely complete and return the redetermination packet that was mailed to her. During the hearing, the Department conceded that the Claimant's redetermination packet was received by the Department before its due date. Accordingly, the Claimant's packet should have been processed.

DECISION AND ORDER

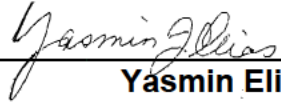
The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department improperly terminated Claimant's MA benefits by failing to process the Claimant's timely redetermination packet. The Department's actions in this regard are REVERSED.

The Department is directed to:

1. Reinstate Claimant's MA benefits effective February 28, 2011, pending its processing of the Claimant's redetermination packet.
2. Process the redetermination packet in compliance with Department regulations.

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3. Notify the Claimant in writing once a redetermination has been made, affording her an opportunity to appeal the decision if she disagrees with it.



Yasmin Elias
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 27, 2011

Date Mailed: June 30, 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.

YE/pf

cc:

