

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201135532
Issue No. 2001
Case No. [REDACTED]
Hearing Date: June 29, 2011
Oakland County DHS (02)

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 June 29, 2011 from Detroit, Michigan. The Claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED] Specialist, and [REDACTED] Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Adult Medical Program (AMP) benefits effective 5/2011 based on Claimant's alleged failure to submit a Redetermination.

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 AMP benefit recipient.
2. Claimant's AMP benefit period was scheduled to end 4/30/11.
3. On 3/15/11, DHS mailed a Redetermination (DHS-1010) (Exhibit 1) to Claimant.
4. Claimant timely returned the Redetermination to DHS.
5. DHS failed to receive the Redetermination returned by Claimant.

6. On 4/18/11, DHS mailed a Notice of Case Action (Exhibit 2) informing Claimant of AMP termination based on a failure to return redetermination documents.
7. On 5/2/11, Claimant requested a hearing to dispute the termination of AMP benefits.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the DHS pursuant to MCL 400.10, *et seq.* DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). AMP benefits are part of the Medical Assistance (MA) program.

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). DHS 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).

The undersigned will refer to the DHS regulations in effect as of 4/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

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. The forms needed for redetermination may vary though a Redetermination (DHS-1010) is an acceptable review form for all programs.

For AMP benefits, verifications are due the date the packet is due. *Id.* Bridges (the DHS database) allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. *Id.* If the 10th day falls on a weekend or holiday, the verification would not be due until the next business day. *Id.* Bridges gives timely notice of the negative action if the time limit is not met.

In the present case, there was no dispute that DHS mailed Claimant a Redetermination and followed all necessary procedures in terminating Claimant's AMP benefits after DHS failed to receive the Redetermination. The only issue in dispute was whether the Redetermination was returned by Claimant.

Claimant testified that shortly after receiving the Redetermination, she completed it and enclosed it in a self-addressed stamped envelope. Claimant stated she then gave it to her mother to mail. Claimant's mother testified that she returned the envelope in a mailbox located near her work place and did so shortly after her daughter provided her with the envelope.

Neither Claimant nor her mother could provide any documentation to verify that a timely mailing occurred. However, the undersigned is not inclined to discredit the testimony simply because she cannot definitively prove that she mailed a document.

Claimant's testimony was consistent with Claimant's Request for a Hearing which included a lengthy narrative of the details involved with returning the Redetermination. Claimant's testimony tended to be more persuasive because of the consistency between her statements.

Based on the sheer volume of paperwork requested by DHS, it is reasonable to believe that documents would be occasionally misplaced or not delivered. Though the hard work of DHS staff can minimize mistakes, it cannot prevent them entirely. The present case appears to be the exception when DHS failed to receive a document that was properly delivered by a client. Claimant's testimony was corroborated by a second witness, Claimant's mother. Based on the evidence, it is found that Claimant timely returned the Redetermination to DHS. As Claimant timely returned the Redetermination to DHS, it is found that DHS erred in terminating Claimant's AMP benefits due to the alleged failure by Claimant to timely return the Redetermination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to redetermine Claimant's AMP benefits beginning 5/2011. It is ordered that DHS:

- (1) initiate redetermination of Claimant's FIP and FAP benefits beginning 5/2011;
- (2) if DHS is unable to locate Claimant's already submitted redetermination documents, DHS may re-request the documents, in compliance with their regulations.

2011-5532/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: July 6, 2011

Date Mailed: July 6, 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/cl

cc:

[REDACTED]