

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-38664

Issue No: 2018

[REDACTED]

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on June 10, 2011. After due notice, a telephone hearing was held on August 16, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly closed Claimant's Medical Assistance (MA) also known as Medicaid, Other Healthy Kids (OHK) program for failure to timely return the Redetermination?

FINDINGS OF FACT

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

1. Claimant was receiving Medicaid Other Healthy Kids (MA-OHK) at all times pertinent to this hearing. (Hearing Summary).
2. On February 14, 2011, the department mailed Claimant the Healthy Kids Redetermination Notice with a due date of March 1, 2011. (Department Exhibits 6-10).
3. On March 19, 2011, the department mailed Claimant a Notice of Case Action informing her that her Medicaid-OHK program was closing effective May 1, 2011 because she failed to return the Redetermination form mailed to her and/or failed to provide the required proofs. (Department Exhibits 12-13).

4. Claimant submitted a hearing request on June 10, 2011, protesting the closure of his MA-OHK and FAP benefits. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

As an initial matter, during the hearing it was discovered that Claimant had never applied for FAP program. As a result, there is no issue regarding FAP to be decided and the remainder of this opinion will focus only on Medicaid-Other Healthy Kids (MA-OHK).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Department policy states that Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications. BAM 105.

DHS staff must assist when necessary. The local office must assist Clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to Clients who are illiterate, disabled or not fluent in English. BAM 105.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The department must tell the Client what verification is required, how to obtain it, and the due date. The Verification Checklist (DHS-3503) or for MA redeterminations, the MA Determination Notice (DHS-1175), is mailed to the Client to request verifications. The Client must obtain the required verifications, but the department must assist if Clients need and request help. BAM 130.

The Client is allowed 10 calendar days to provide the verifications requested by the department. If the Client cannot provide the verification despite a reasonable effort, the department may extend the time limit at least once. The department sends a negative action notice to the Client 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. BAM 130.

The department's Bridges computer system generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. Bridges sends a Continuing Your Food Assistance Benefits (DHS-2063B), to FAP clients for whom FIP, SDA, MA, AMP, and/or TMAP are not active. The packet is sent to the mailing address in Bridges. The packet is sent to the physical address when there is no mailing address. The packet includes the following as determined by the type of assistance to be redetermined:

- Redetermination/review form indicated above.
- Notice of review as determined by policy.
- Interview date.
- Interview type.
- Place and time.
- Required verifications.
- Due date.
- Return envelope. BAM 210.

Interview requirements are determined by the type of assistance that is being redetermined. For the MA, AMP and TMP programs, in-person interviews are not required as a condition of eligibility. BAM 210.

In this case, Claimant failed to return her Redetermination packet. Claimant is required to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility. BAM 105. Department policy indicates that failure to provide proof of eligibility will result in penalties. BAM 105; BAM 130. Because Claimant failed to return her redetermination packet, the department could not determine Claimant's continued eligibility for the MA-OHK program and closed Claimant's MA-OHK benefit case.

Claimant's testimony was conflicting on many points, however, at the end of the hearing it was determined, and Claimant admitted, that she did not return her Redetermination packet until May 13, 2011. The Redetermination packet was due by March 1, 2011. Because of Claimant's failure to timely return the Redetermination packet, the department properly closed her MA-OHK benefit case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed Claimant's MA-OHK benefits for failure to return the necessary redeterminations.

Accordingly, the department's actions are UPHHELD.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 8/23/11

Date Mailed: 8/23/11

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 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.

VLA/ds

