

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.: 2011-6132
Issue No.: 2006/4003
Case No.: [REDACTED]
Hearing Date: February 2, 2011
Macomb County DHS (12)

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 February 2, 2011. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's application for State Disability Assistance (SDA) and Medical Assistance (MA) benefits.

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 SDA and MA benefit recipient.
2. Claimant's SDA and MA benefits were scheduled for redetermination by 10/31/2010.
3. On an unspecified date, DHS terminated Claimant's SDA and MA benefits beginning 11/2010 due to an alleged failure by Claimant to complete and return unspecified redetermination documents.
4. Claimant reapplied for SDA and MA benefits on 10/8/2010.

5. On 11/1/10, Claimant requested a hearing disputing the termination of MA and SDA benefits specifically claiming that DHS mailed redetermination documents to the incorrect address.
6. On 11/5/10, DHS denied Claimant's SDA and MA benefit application due to Claimant's alleged failure to submit a DHS-0049 (Medical Examination Report, DHS-0049G Activities of Daily Living, DHS-0049-I Eye Examination Report and DHS-1555 Authorization to Release Protected Health Information.
7. On 11/15/10, in response to Claimant's Request for Hearing, DHS completed a Hearing Summary with details concerning Claimant's denied application for 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).

It must be first determined what Claimant's Request for Hearing was disputing, a termination of SDA and MA benefits from 10/2010 or a denial of SDA and MA benefits from 11/2010. The Request for Hearing specifically mentioned a "termination of benefits". This tends to support that Claimant intended to dispute a stoppage of benefits, not the denial of an application. Further, Claimant could not have disputed a denial of SDA and MA benefits because as of 11/1/10, the date DHS received Claimant's Request for Hearing, DHS had not yet denied Claimant's reapplication for SDA and MA benefits; Claimant could not have disputed what DHS had not yet done. It

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is found that Claimant requested a hearing to dispute a termination of SDA and MA benefits, not a denial.

In response to a Claimant's Request for Hearing, DHS is to complete a DHS-3050, Hearing Summary, if the dispute is not resolved at a prehearing conference. BAM 600 at 14. All case identifiers and notations on case status must be complete. The narrative must include all of the following:

- Clear statement of the case action, including all programs involved in the case action.
- Facts which led to the action.
- Policy which supported the action.
- Correct address of the AHR or, if none, the client.
- Description of the documents the local office intends to offer as exhibits at the hearing. *Id.*

DHS responded to Claimant's hearing request by drafting a Hearing Summary which only addressed the issue concerning Claimant's reapplication for SDA and MA benefits. DHS made no attempt to address Claimant's actual concern about the prior termination of SDA and MA benefits.

Unfortunately, the undersigned wrongly steered the administrative hearing toward the issue of Claimant's SDA and MA benefit denial. The undersigned allowed the DHS drafted Hearing Summary to dictate what Claimant was disputing rather than Claimant's own Request for Hearing. Thus, very little evidence was provided at the hearing concerning whether DHS properly terminated Claimant's SDA and MA benefits.

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. Failure by a client to submit any of the needed documents during the benefits period results in denial of the redetermination and case closure. *Id.*

Claimant's MA and SDA benefits were due for review by 10/2010. Claimant asserted that DHS failed to properly mail requests concerning Claimant's SDA and MA benefit redeterminations to the proper address. DHS failed to rebut Claimant's assertion. The undersigned accepts part of the responsibility for the DHS failure to address the issue, however, DHS had opportunity to address the issue within their Hearing Summary and failed to do so. As a result, the termination of SDA and MA benefits must be reversed.

As part of the redetermination process for SDA and MA based on disability, DHS must redetermine whether Claimant is a disabled person. As of the administrative hearing date, this issue is still pending. Nothing within this administrative decision prevents DHS from initiating termination of Claimant's SDA and MA benefits if DHS finds that Claimant is not entitled to SDA or MA benefits based on disability; also, nothing would prevent Claimant from requesting another hearing if Claimant were to dispute such a finding.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to establish that Claimant's SDA and MA benefits were properly terminated effective 11/2010. It is ordered that DHS reinstate Claimant's MA and SDA benefits effective 11/2010 and that Claimant be supplemented for any SDA and MA benefits not received. 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.

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