

**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.: 2011-2287
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 6, 2011
St Clair County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Port Huron, Michigan on Thursday, January 6, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED] or [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance ("MA") case based on the Claimant's failure to complete a 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. The Claimant is a MA recipient.
2. On June 15, 2010, the Department mailed the Claimant a Redetermination Notice requesting the information be submitted by July 1, 2010. (Exhibit 1)
3. On July 19, 2010, the Department sent the Claimant a Notice of Case Action informing the Claimant that her MA case would close as of July 31, 2010.

4. On or about July 23, 2010, the Claimant completed and mailed the Redetermination information.
5. The Department did not receive the Claimant's documentation.
6. On July 31, 2010, the Claimant's MA benefits terminated.
7. On September 17, 2010, the Department received the Claimant's written request for hearing. (Exhibit 2)
8. In response to the hearing request, the Department sent a letter to the Claimant instructing her to re-apply for benefits. (Exhibit 3)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formerly known as the Family Independence Agency, 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 ("BRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended up to three times. *Id.*

In this case, the Department sent the Claimant a Notice of Case Action informing her that her Medical benefits would terminated effective July 31, 2010 because the Department had not received the review packet. In response, the Claimant contacted the Department stating she was mailing the requested verifications. The Claimant completed, made a copy, and mailed the requested verification(s) to the Department. The Department did not receive the information so the case was closed. During the hearing, the Claimant presented a copy of what was mailed. The Claimant testified credibly that she was unaware her benefits had ceased until an August hospitalization. After which point, she requested a hearing. There was no evidence that the Claimant had refused to cooperate. Under the facts presented, the termination of the Claimant's Medical benefits is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the termination of the Claimant's Medical benefits is not upheld.

Accordingly, it is ORDERED:

1. The termination of the Claimant's Medical benefits is not upheld.
2. The Department shall re-open the Claimant's Medical benefits from the date of closure and process the redetermination application in accordance with department policy.
3. The Department shall notify the Claimant and her Authorized Representative of the determination in accordance with department policy.
4. The Department shall supplement for any lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

Date Signed: 1/11/2011

Date Mailed: 1/11/2011

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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