

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 20113015
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 12, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 12, 2011. The Claimant appeared and testified. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's MA benefit for failing to return verifications?

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 an ongoing recipient of MA benefits.
- (2) A redetermination packet was sent to Claimant on June 15, 2010 with a July 1, 2010 due date.

20113015/AM

- (3) Claimant did not submit the requested information prior to the due date.
- (4) On July 19, 2010 notice of case action was sent to Claimant informing her that her MA benefits would be closing effective August 1, 2010.
- (5) Claimant requested a hearing on October 4, 2010 contesting the closure of 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 Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the Department must give the client a reasonable opportunity to resolve any

20113015/AM

discrepancy between his statements and information from another source. BAM 130, p. 6.


In the present case, Claimant testified that he was hospitalized during the period in question and that his brother was bringing him his mail. Claimant testified that he was released from the hospital in mid-June. The notice of case action was sent to Claimant in late July and the closure was not processed until August 1. Department policy is very clear that Claimants must cooperate in determining ongoing eligibility. BAM 130. Claimant failed to make a reasonable effort to cooperate. If Claimant wants to receive benefits he needs to find a way to maintain contact with the Department. The Department was correct to close Claimant's MA case because the required verifications were not submitted prior to the deadline without a reasonable excuse. BAM 130. It should also be noted that Claimant did not request a hearing until October, 2 months after the closure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the closure of Claimant's MA benefits,

20113015/AM

and it is ORDERED that the Department's decision is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2011

Date Mailed: February 7, 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.

AM/hw

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.