

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201130603
Issue No.: 2006; 3000
Case No.: [REDACTED]
Hearing Date: May 23, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

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. After due notice, a telephone hearing was held on May 23, 2011. Claimant appeared and testified. [REDACTED], Claimant's mother, also testified on behalf of Claimant. The Department of Human Services (Department or DHS) was represented by [REDACTED] and [REDACTED] FIM.

ISSUE

Was the Department correct in closing Claimant's Medical Assistance (MA) case due to failing to cooperate with the Department?

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 MA recipient.
2. The Department issued to Claimant a Redetermination Form requesting information due by [REDACTED].
3. Claimant did not receive the form.
4. Claimant contacted the Department upon the receipt of a closure notice and the Department issued a Redetermination form pertaining only to Claimant's FAP case, which form Claimant completed and returned to the Department.

5. The Department closed Claimant's MA case effective [REDACTED] due to failure to cooperate with the Department.
6. Claimant requested a hearing protesting the closure.

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), which includes Reference Tables (RFT).

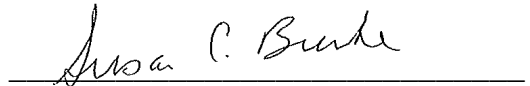
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *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 the information should be extended at least once. BAM 130. 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.

In the present case, Claimant testified credibly that he did not receive the Redetermination form first issued by the Department. When Claimant received the Notice of Case Action closing his case, he contacted his worker, and his worker re-issued a Redetermination form, but only for Claimant's FAP case, as there was a misunderstanding regarding different case numbers being assigned to Claimant's FAP and MA cases. Claimant returned the Redetermination form pertaining only to FAP, and, due to the miscommunication about the case numbers, was unaware that he was to complete a Redetermination form for MA as well. I am not persuaded that Claimant refused to cooperate, as he did in fact cooperate with the Department to the best of his understanding. Therefore, the Department's decision to close Claimant's MA case due to failure to cooperate was not correct.

Claimant also requested a hearing on the closure of his FAP case, but at the hearing, Claimant stated that he no longer requested the hearing because his FAP case was reinstated and active.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's MA case for failing to cooperate was incorrect and, therefore, it is ORDERED that the Department's decision with regard to MA is REVERSED. It is further ORDERED that the Department shall reinstate Claimant's MA case effective [REDACTED]. It is further ORDERED that the hearing regarding Claimant's FAP grant is DISMISSED pursuant to Claimant's request.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/1/11

Date Mailed: 6/1/11

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 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.

SB/sm

cc:

[REDACTED]