

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-30831
Issue No: 2006
Case No: [REDACTED]
Hearing Date:
June 1, 2011
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 conducted from Detroit, Michigan on June 1, 2011. The Claimant appeared and testified. Jennifer Perkins, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's sons Medical Assistance case due to Claimant's failure to return the redetermination forms by the due date.

FINDINGS OF FACT

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

1. The Department (DHS) mailed a redetermination packet to the Claimant on January 13, 2011 at the address it had on file for her, [REDACTED].
2. The Claimant had moved from the [REDACTED] address but did not report a change of address to the Department until April 14, 2011.

3. The redetermination was due on February 2011.
4. The Claimant did not return the redetermination information by the due date.
5. The Department issued a Notice of Case action on February 17, 2011, closing the Claimant's son's Medical Assistance for failure to return the redetermination.
6. The Claimant requested a hearing on April 14, 2011, protesting the closure of her son's medical assistance case.

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

The Department is required to verify through redetermination information various information. The Department sent the redetermination notice to the address it had on file for the Claimant. The Claimant did not file a change of address as required by Department policy found in BAM 105 page 7, and thus did not receive the redetermination. The Claimant did not provide the redetermination information requested by the Department by the due date. If the client fails to verify these items, the Department must close the Claimant's case or deny the application for failure to verify the requested information. BEM 130, page 5.

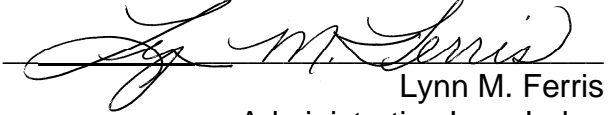
As the Claimant did not return the redetermination information by the due date and did not request assistance from the Department or request an extension of time in which to file the requested information and most importantly failed to timely report her change of address, the Department properly closed her son's medical assistance case. The Claimant is encouraged to reapply for Medical Assistance.

The Department, under these circumstances, based upon the evidence provided at the hearing and testimony of the witnesses, correctly closed the Claimant's son's Medical Assistance case in accordance with Department policy because the information was not returned. BAM 130 id. Its decision is therefore correct and affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was sufficient evidence presented to affirm the

Department's actions and therefore the closure of the Claimant's son's Medical Assistance Case by the Department is AFFIRMED


Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/23/11

Date Mailed: 06/24/11

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.

LMF/dj

cc:

