

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-32268  
Issue Nos. 2001, 4003  
Case No. [REDACTED]  
Hearing Date: July 14, 2011  
Wayne (43)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was held on July 14, 2011 in Detroit. Claimant appeared and testified. [REDACTED] Eligibility Specialist, appeared and testified on behalf of the Department of Human Services (DHS). [REDACTED], Family Independence Manager, was also present at the hearing.

**ISSUE**

Whether Claimant cooperated with the DHS Redetermination application process for Medical Assistance (MA or Medicaid) and State Disability Assistance (SDA) benefits?

**FINDINGS OF FACT**

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. At all times pertinent to this matter, Claimant fully cooperated with DHS.
2. In 2010, DHS provided Claimant with MA Adult Medical Program (AMP) and SDA benefits.
3. On June 1, 2010 DHS terminated Claimant's MA-AMP and SDA benefits for an unknown reason.

4. In June or July, 2010, Claimant sent a handwritten letter to DHS complaining that his benefits were stopped.
5. On April 29, 2011, Claimant filed a Request for a Hearing with DHS.

### **CONCLUSIONS OF LAW**

MA was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10, *et seq.* and MCL 400.105. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

AMP was established by Title XXI of the Social Security Act, Section (1115)(a)(1), and is administered by DHS pursuant to MCL 400.10 *et seq.* Department policies are contained in BAM, BEM and RFT. *Id.*

SDA provides financial assistance for disabled persons and is established by 2004 Michigan Public Acts (PA) 344. DHS administers SDA pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3151-400.3180. Department policies are found in BAM, BEM and RFT. *Id.*

The administrative manuals are the policies and procedures DHS officially created for its own use. While the DHS manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now, in order to see what policy applies in this case. After setting forth what the applicable policy is, I will examine whether it was in fact followed in this case.

BAM 105, "Rights and Responsibilities," is not cited in the Hearing Summary DHS prepared for this Administrative Hearing. I believe that BAM 105 is applicable in this case. BAM 105 requires DHS to administer its programs in a responsible manner to protect clients' rights. At the outset of BAM 105 it states:

**RIGHTS AND RESPONSIBILITIES**

**DEPARTMENT POLICY**

**All Programs**

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights. *Id.*, p. 1 (bold print in original).

I read this opening section of BAM 105 to mean that the agency must fulfill these duties, and the agency is subject to judicial review of its fulfillment of these duties. If it is found that DHS failed in any duty to the client, it has committed error.

In addition I read BAM 105 to mean that as long as the client is cooperating, the agency can and should be flexible in its requests for verification. On page 5 it states:

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. See Refusal to Cooperate Penalties in this section....Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. *Id.*, p. 5.

Applying BAM 105 to the case before me I find and conclude that DHS failed to determine Claimant's continuing eligibility and benefit levels for the AMP and SDA programs when it terminated Claimant's benefits June 1, 2010, for an unknown reason. The Department summarily cut off Claimant's benefits, and when he wrote a letter to them about it, no one responded to his letter. DHS had a duty to respond here, and at the least, DHS should have treated the letter as a request for an administrative hearing. Instead, DHS made no response to Claimant's letter. This is a failure to protect the client's right to benefits, and a remedy shall be provided.

In conclusion, based on the findings of fact and conclusions of law above, I decide and determine that DHS failed to enforce BAM 105 and DHS therefore is REVERSED. DHS shall reinstate Claimant's AMP and SDA benefits effective June 1, 2010, and redetermine his eligibility as of that date, providing sufficient time to Claimant to submit any necessary documentation to DHS.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS is REVERSED. IT IS ORDERED that DHS shall:

1. Reinstatement and reprocess Claimant's MA/SDA benefits effective June 1, 2010 or other appropriate date;
2. Provide sufficient time for Claimant to submit any documentation to DHS that is necessary for reprocessing to occur;
3. Provide supplemental benefits as necessary to Claimant to restore him to the benefit levels to which he is entitled.

2011-32268/JL

All steps shall be taken in accordance with DHS policies and procedures.



---

Jan Leventer  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: July 15, 2011

Date Mailed: July 15, 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.

JL/cl

cc:

