

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.: 2011-4325
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: February 14, 2011
DHS County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on January 14, 2011. Claimant appeared and testified. [REDACTED], appeared on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) coverage?

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. In 2010, Claimant received MA Other Healthy Kids and MA Group 2 Caretaker Relatives (G2C) benefits from DHS.
2. On May 12, 2010, DHS sent Claimant a Redetermination notice requesting updated eligibility information from Claimant by June 2, 2010.
3. Claimant was preoccupied with his daughter's medical needs (she is bipolar) and did not return the Redetermination information form, DHS-1010.
4. On September 17, 2010, DHS issued a Notice of Case Action terminating Claimant's MA Other Healthy Kids and G2C benefits on October 1, 2010.
5. On September 27, 2010, Claimant filed a Request for a Hearing with DHS.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. 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. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The applicable DHS manual section in this case is BAM 105, "Rights and Responsibilities." BAM 105 states that DHS policy is as follows:

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.

BAM 105, p. 1 of 13. (Bold print in original.)

In this case, Claimant gave credible and un rebutted testimony that he was guilty of an oversight because he was preoccupied with his daughter's medical condition. I accept this testimony and find that a client error occurred in this case. I further find and conclude that in order to protect client rights in this case, as required by BAM 105, DHS shall allow Claimant the opportunity to correct his error. I find and conclude that this correction procedure is well within the purview of BAM 105 and does further the DHS goal of the protection of client rights.

In conclusion, I decide that DHS failed to protect the client's rights in this matter and its action shall be REVERSED. DHS is ORDERED to reopen, reinstate and reprocess Claimant's case, thereby affording Claimant another opportunity to submit his Redetermination application (DHS Form 1010) in accordance with DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, hereby determines that DHS is REVERSED. IT IS HEREBY ORDERED that DHS shall reopen and reprocess Claimant's case, allowing him to submit a Redetermination application (DHS-1010) in accordance with DHS policies and procedures.



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

Date Signed: February 17, 2011

Date Mailed: February 17, 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/pf

cc:

