

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

IN THE MATTER OF:



Reg. No.: 2011-4500
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 27, 2011
DHS County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 27, 2011. Claimant appeared and testified. [REDACTED] [REDACTED], appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct to close Claimant's Medical Assistance (MA) case 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 MA recipient.
2. Pursuant to a scheduled review, a redetermination packet was sent to Claimant on July 14, 2010, with an August 2, 2010 due date.
3. Claimant failed to provide the requested verifications and did not request an extension.
4. On August 20, 2010, a notice of case action was sent to Claimant.
5. On September 1, 2010, Claimant's MA case was closed.

6. Claimant requested a hearing on September 27, 2010, contesting the closure of his MA benefits.

CONCLUSIONS OF LAW

The 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 (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 obtaining verification for determining initial and ongoing eligibility. 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.

In the present case, Claimant testified she was receiving mail at a former residence and that she regularly picked up mail from the former residence. Claimant testified that she believed the redetermination packet was never received. Claimant has a responsibility to update her mailing address with the Department. Claimant's failure to provide the Department with her current address brings into question whether the redetermination packet may have been misplaced or discarded by the occupants of Claimant's former residence. This Administrative Law Judge cannot find with sufficient certainty that the redetermination packet was never sent by the Department to Claimant's address of record. The Department was correct in closing Claimant's MA case after verifications were not received. Claimant failed to cooperate with Department policy and procedures and did not have good cause for failing to do so.

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, 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: January 31, 2011

2011-4500/AM

Date Mailed: February 1, 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/pf

cc:

