

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201223594
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 14, 2012
County: Wayne DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on May 14, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant; [REDACTED] appeared and testified on behalf of Claimant. Jevita Hubbard appeared upon Claimant's request. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly failed to redetermine Claimant's eligibility for Medical Assistance (MA) benefits effective 12/2012.

FINDINGS OF FACT

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

1. Claimant was an ongoing MA benefit recipient.
2. Claimant's MA benefit period was scheduled to end 10/2011.
3. On 9/14/11, DHS mailed claimant a Redetermination (Exhibit 1).
4. On or before 9/20/11, Claimant returned the Redetermination and other needed verifications to DHS.

5. On 9/20/11, DHS mailed Claimant a Notice of Case Action (Exhibit 2) informing Claimant that her MA benefit eligibility was redetermined and approved effective 11/2011.
6. On 11/19/11, DHS mailed Claimant a Notice of Case Action (Exhibit 3) informing Claimant that her MA benefit eligibility would end effective 12/2011 due to an alleged failure to submit the Redetermination.
7. On 12/12/12, Claimant requested a hearing to dispute the termination of MA benefits.

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). DHS 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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 5. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination may vary, though a Redetermination (DHS-1010) is an acceptable review form for all programs. For MA benefit eligibility, verifications and Redetermination are due the date that the packet is due. *Id.* at 11.

In the present case, it was not disputed that DHS mailed a Redetermination (Exhibit 1) to Claimant on 9/14/11. Claimant provided testimony that she completed and mailed the Redetermination to DHS shortly after receiving it. Claimant's testimony was persuasive and unrefuted. This tends to support that Claimant timely returned the Redetermination to DHS.

DHS contended that Claimant's Redetermination was not received. DHS also noted that Claimant's specialist was retiring in the month when Claimant returned the Redetermination and that the retiring specialist's documents were distributed to various staff members. It is not difficult to foresee that the distribution of documents from one specialist to others could have resulted in a document being misplaced. This tends to be supportive of finding that DHS misplaced the Claimant submitted Redetermination.


However, Claimant presented evidence which tended to verify that DHS not only received the Redetermination, but also processed it. Claimant submitted a Notice of Case Action (Exhibit 3) dated 9/20/11 which verified an MA benefit eligibility period beginning 11/2011, the first month Claimant would not have received MA benefits if her benefit eligibility was not redetermined. DHS could not explain how Claimant's benefit eligibility was not redetermined when Claimant received a Notice of Case Action approving benefits beginning 11/2011. The only rational explanation is that Claimant submitted all necessary MA benefit redetermination documents. Accordingly, it is found that DHS improperly terminated Claimant's MA benefit eligibility effective 12/2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's eligibility for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's MA benefits effective 12/2011;
- (2) process Claimant's ongoing MA benefit eligibility subject to the finding that Claimant satisfied her redetermination procedural requirements; and
- (3) supplement Claimant for any MA benefits not received as a result of the DHS error.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 18, 2012

Date Mailed: May 18, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

