

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201226878
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 10, 2012
County: Wayne DHS (17)

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, a telephone hearing was held on May 10, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant; [REDACTED] appeared and testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly terminated Claimant's MA benefit eligibility effective 12/2011 due to Claimant's alleged failure to comply with redetermination requirements.

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 eligibility was scheduled for redetermination prior to the end of 12/2011.
3. On an unspecified date in 11/2011, DHS mailed Claimant a Redetermination.
4. Claimant failed to return the Redetermination to DHS.

5. On 12/16/11, DHS mailed Claimant a Notice of Case Action (Exhibit 1) informing Claimant of a termination of MA benefit eligibility effective 1/2012 due to Claimant's failure to return the Redetermination.
6. On 12/27/11, Claimant requested a hearing to dispute the MA benefit termination.

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 the Redetermination are due the date the packet is due. *Id.* at 11.

In the present case, it was not disputed that Claimant failed to return the Redetermination or any corresponding verifications by the due date. Claimant testified that he did not receive the Redetermination mailed by DHS. DHS provided testimony that the Redetermination was mailed to Claimant by their computer system in 11/2011 to Claimant's most recently reported address. The DHS testimony tended to establish that the Redetermination was properly mailed to Claimant.

Claimant gave testimony that he had moved on multiple occasions, had difficulties receiving mail due to problems with housemates and that he was hospitalized on multiple occasions in 12/2011 and thereafter. Claimant's testimony was sympathetic by establishing obstacles which could be interpreted as good cause for failing to return a Redetermination. The testimony could also be perceived to be self-damaging by only establishing multiple excuses, none of which directly change the fact that DHS met its procedural requirements and Claimant did not.


It was not disputed that Claimant requested a hearing on 12/27/11, only 11 days after DHS mailed the Notice of Case Action informing Claimant of the MA benefit termination.

Clients that request hearings shortly after being notified of a case closure tend to be clients that are concerned about DHS benefit eligibility and, therefore, less likely to fail to comply with redetermination procedures. It also puts DHS on notice that a client is trying to comply with redetermination requirements but might need assistance in complying.

However, Claimant failed to establish that he made any attempt to comply with the redetermination procedures other than requesting a hearing. Thus, DHS was left with little reason to contact Claimant concerning the lacking Redetermination. Based on the presented evidence, it is found that DHS properly terminated Claimant's MA benefit eligibility due to a failure to timely return redetermination documents.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefit eligibility due to Claimant's failure to timely return redetermination documents. The actions taken by DHS are AFFIRMED.


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

Date Signed: May 16, 2012

Date Mailed: May 16, 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:

