

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

IN THE MATTER OF:



Reg. No.: 201229644
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 9, 2012
County: Wayne DHS (19)

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 9, 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], Manager.

ISSUE

The issue is whether DHS properly terminated Claimant's Medical Assistance (MA) benefit eligibility due to an alleged failure to submit redetermination documents.

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 benefits were scheduled for redetermination for 7/2011.
3. On 6/14/11, DHS mailed Claimant a Redetermination (Exhibit 1) with a return due date of 7/1/11.
4. Claimant failed to return the Redetermination to DHS by 7/1/11.
5. On 1/20/12, DHS initiated termination of Claimant's MA benefit eligibility due to the failure to return the Redetermination.

6. Between 1/20/12 and 1/31/12, Claimant's spouse made attempts to comply with redetermination procedures by contacting DHS on several occasions including reporting that his wife did not receive the Redetermination.
7. DHS failed to respond to Claimant's attempts to comply with the Redetermination requirement.
8. On 1/28/12 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 present the Redetermination or any corresponding verifications by the 7/1/11 due date. It should be noted that Claimant denied receiving the Redetermination; for purposes of this decision, it will be presumed that Claimant received the Redetermination.

Bridges gives timely notice of the negative action if the time limit is not met. *Id.* A timely notice is mailed at least 11 days before the intended negative action takes effect. BAM 220 at 4-5. The action is pended to provide the client a chance to react to the proposed action. *Id.*

Claimant's spouse provided persuasive testimony that he attempted to call Claimant's specialist multiple times after receiving the Notice of Case Action informing him of the MA benefit termination. He stated that DHS failed to respond to his voicemails. Claimant's spouse's testimony was bolstered by the relative quick speed with which a

hearing was requested following the mailing date of the Notice of Case Action. Generally, clients that request a hearing shortly after receiving a notice of benefit closure are making efforts to continue benefit eligibility. DHS was unable to refute any of Claimant's testimony as the responsible specialist did not provide testimony. It is found that Claimant attempted to comply with the redetermination requirements but that DHS failed to assist Claimant with compliance. Accordingly, the DHS MA benefit termination was improper.

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 MA benefit eligibility. It is ordered that DHS:

- (1) reinstate Claimant's MA benefit eligibility effective 2/2012;
- (2) either process Claimant's MA benefit eligibility effective 2/2012 based on already received documents or mail Claimant a request for any needed redetermination documents prior to taking any further adverse actions.

The actions taken by DHS are REVERSED.



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

Date Signed: May 15, 2012

Date Mailed: May 15, 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:

