

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201239587
Issue No: 2006
Case No: [REDACTED]
Hearing Date: April 25, 2012
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 April 25, 2012. The claimant's authorized representative appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Medical Assistance (MA) case for failure to complete the requested redetermination?

FINDINGS OF FACT

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

1. The claimant was a recipient of MA benefits.
2. On November 15, 2011, the claimant was sent a redetermination packet for his MA case with a due date of December 1, 2011. (Department Exhibits 4-7).
3. The department never received a completed redetermination packet.
4. On December 17, 2011, the department mailed the claimant a notice of case action (DHS 1605) informing the claimant that his MA case would be closed as of January 1, 2012 due to his failure to submit the required redetermination. (Department Exhibits 10-12).
5. The claimant submitted a hearing request on February 28, 2012, protesting the closure of his MA case.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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). The Department of Human Services (DHS or department) 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).

Department policy states Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5. Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due, see RFS 103. Bridges sends a DHS-2063B, Continuing Your Food Assistance Benefits, to FAP clients for whom FIP, SDA, MA, AMP, and/or TMAP are not active. The packet is sent to the mailing address in Bridges. The packet is sent to the physical address when there is no mailing address. The packet is also sent to the MA Authorized Representative on file. Redetermination/review forms may include:

- DHS-574, Redetermination Telephone Interview (FAP).
- DHS-1010, Redetermination (all TOA).
- DHS-1045, Simplified Six-Month Review (FAP).
- DHS-1046, Semi-Annual Contact Report (FAP).
- DHS-1171, Assistance Application (all TOA).
- DHS-2240-A, Mid-Certification Contact Notice (MA and FAP).
- DHS-2063-B, Continuing Your Food Assistance Benefits (FAP).
- DHS-4574, Medicaid Application for Long-Term Care.
- DCH-0373-D, MI Child and Healthy Kids Application.

The packet includes the following as determined by the type of assistance to be redetermined:

- Redetermination/review form indicated above.
- Notice of review as determined by policy.
- Interview date.
- Interview type.
- Place and time.
- Required verifications.
- Due date.
- Return envelope. BAM, Item 210, pages 4-5.

Interview requirements are determined by the type of assistance that is being redetermined. BAM, Item 210, pages 3-4. For MA, Adult Medical Program (AMP), and TMP, an in-person interview is not required as a condition of eligibility. BAM, Item 210, p. 4.

An individual who is receiving any type of assistance through the department must have their eligibility for such assistance periodically redetermined. BAM 210. The redetermination process consists of a thorough review of all the eligibility factors and must be completed at least every twelve months. BAM 210.

In the case at hand, the redetermination packet was sent to the claimant but not to the claimant's guardian. The department had letters of guardianship from the probate court on file (see Department Exhibit 3) but did not send the redetermination packet to the guardian. Policy cited above states that the department is to send the redetermination packet to the claimant and to the claimant's authorized representative. BAM 210. Policy also states that an authorized representative must be authorized in writing and may be authorized by letters of guardianship from the probate court. BAM 600. Because the department had letters of guardianship on file, the claimant's guardian should have been treated as his authorized representative and therefore should have also been sent a copy of the redetermination. Therefore, the Administrative Law Judge finds that the department should have also sent the redetermination to the claimant's guardian and in turn improperly closed the claimant's MA case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed the claimant's MA case for failure to return the required redetermination materials.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall allow the claimant and the claimant's guardian the opportunity to submit the required redetermination paperwork. The department shall then initiate a re-determination of the claimant's MA eligibility. If the claimant is found to be otherwise eligible, the department shall reinstate benefits, and if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 7, 2012

Date Mailed: May 8, 2012

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 60 days of the filing of the original request.

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.

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