

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201244812
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 22, 2012
County: Wayne DHS (31)

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 August 22, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Medical Assistance (MA) benefit eligibility due to a failure to timely return 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. On an unspecified date, DHS mailed Claimant a Redetermination.
3. Claimant failed to return the Redetermination.
4. On 3/19/12, DHS mailed Claimant a Notice of Case Action informing Claimant of a MA benefit termination effective 4/2012.
5. On 4/4/12, Claimant submitted a Redetermination to DHS and 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).


The present case concerned a redetermination of MA benefits affecting Claimant's eligibility, effective 4/2012. DHS contended that Claimant's FAP and MA benefit eligibility properly ended due to Claimant's failure to submit a Redetermination form or any supporting verifications.

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 the DHS mailing of a Redetermination (DHS-1010) the month prior to the end of the current benefit period. *Id.* at 4. Clients must complete and submit the DHS-1010 and necessary verifications for DHS to process the redetermination. *Id.* at 10. Failure to submit the needed documents during the benefits period results in denial of the redetermination and case closure. *Id.*

It was not disputed that Claimant failed to return the Redetermination or any other supporting verifications to DHS prior to the end of 3/2012. It was not disputed that the Redetermination was eventually submitted to DHS on 4/4/12, however, by that time, Claimant's MA benefit eligibility had already ended. Based on the presented evidence, it is found that DHS properly terminated Claimant's MA benefit eligibility due to Claimant's failure to 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 effective 4/2012 due to Claimant's failure to return redetermination forms. The actions taken by DHS are AFFIRMED.


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

Date Signed: August 29, 2012

Date Mailed: August 29, 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:

