

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201269293
Issue No.: 2006; 4003
Case No.: [REDACTED]
Hearing Date: October 3, 2012
County: Wayne DHS (35)

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 October 3, 2012 from Detroit, Michigan. Participants included the above named claimant; [REDACTED] testified on Claimant's behalf. 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) and State Disability Assistance (SDA) benefit eligibility due to a failure to 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 SDA and MA benefit recipient.
2. On 4/16/12, DHS mailed Claimant a Redetermination.
3. Claimant failed to return the Redetermination to DHS.
4. On 5/19/12, DHS initiated termination of Claimant's eligibility for SDA and MA benefits effective 6/2012.

5. On 8/6/12, Claimant requested a hearing to dispute the termination of MA and SDA 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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. DHS policies for SDA are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS must periodically redetermine an individual's eligibility for active benefit programs. BAM 210 (5/2012), p. 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 4. 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. Verifications for redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.* at 12.

To have his SDA and MA benefit eligibility redetermined, Claimant had until 5/31/12, the end of the benefit periods, to return the Redetermination and supporting documents. Claimant conceded that no redetermination documents were returned to DHS by 5/31/12 or any time thereafter. Claimant contended that he was in the hospital in 5/2012 and this should excuse him from his obligation. Claimant brought documents to the hearing confirming hospital stays of 6/20/12 and 8/8/12. Neither hospital encounter would be relevant to excusing Claimant from a submission deadline of 5/31/12. Claimant and his witness also brought documents confirming a hospitalization from 5/22/12-5/23/12. They stated that there was an earlier hospitalization in 5/2012 though no documentation for the hospitalization was available.

Allowing two days from the mailing date (4/16/12) of the Redetermination, Claimant would have had 43 days to complete and return the Redetermination to DHS. A verified overnight hospitalization is insufficient to excuse Claimant's negligence for the remaining 41 days that Claimant had to return the Redetermination. Even conceding a lengthier hospitalization earlier in 5/2012 would not excuse Claimant's negligence. Claimant's demeanor at the hearing strongly suggested that Claimant may have

cognitive and/or psychological barriers in understanding the importance of returning documents to DHS; however, Claimant lives alone and has not been certified by the Social Security Administration as a disabled individual. Further, Claimant's lack of understanding at the hearing may have been influenced by the lack of medical coverage, something that would not have been a factor in 5/2012. Based on the presented evidence, it is found that DHS properly terminated Claimant's SDA and MA benefit eligibility due to a failure by Claimant to timely return redetermination documents. As discussed during the hearing, Claimant is free to reapply at any time for a full reconsideration of his benefit eligibility.

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 SDA and MA benefit eligibility effective 6/2012 due to a failure to 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: 10/12/2012

Date Mailed: 10/12/2012

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.

201269293/CG

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:

