

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

IN THE MATTER OF:

[REDACTED]
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Reg. No. 201227538
Issue No. 2009
Case No. [REDACTED]
Hearing Date: May 3, 2012
Monroe County DHS

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 upon the claimant's request for a hearing. After due notice, an in-person hearing was held on May 3, 2012 from Monroe, Michigan. The claimant appeared and testified; [REDACTED] appeared as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUES

The first issue is whether DHS properly terminated Claimant's eligibility for Medical Assistance (MA) and State Disability Assistance (SDA) for an alleged failure to comply with procedural redetermination requirements.

The second issue is whether DHS erred by evaluating Claimant's alleged disability based on application standards rather than redetermination standards.

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 and SDA benefit recipient.
2. Claimant's only basis for MA and SDA benefits was as a disabled individual.
3. On 1/18/12, DHS initiated termination of Claimant's ongoing eligibility for MA and SDA, effective 1/30/2012, due to an alleged failure by Claimant to comply with redetermination procedures.

4. On 1/23/12, Claimant requested an administrative hearing.
5. DHS did not restore Claimant's MA and SDA benefit eligibility despite Claimant filing a hearing request prior to the effective action date of 1/30/12.
6. DHS conceded that Claimant complied with the redetermination procedural requirements by some unspecified date.
7. Claimant subsequently reapplied for MA and SDA benefits in 2/2012.
8. DHS evaluated Claimant's claim of disability on the basis that Claimant was a new applicant, rather than an ongoing recipient.

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 (formerly known as the Family Independence Agency) 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).

A timely hearing request is a request received anywhere in the department within eleven days of the effective date of a negative action. BAM 600 at 17-18. While waiting for the hearing decision, recipients must continue to receive the assistance authorized prior to the notice of negative action when the request was filed timely. *Id.* Upon receipt of a timely hearing request, DHS is to reinstate program benefits to the former level for a hearing request filed because of a negative action. *Id.*

It was not disputed that on 1/18/12, DHS mailed Claimant a Notice of Case Action informing Claimant of a termination of ongoing MA and SDA eligibility due to an alleged failure by Claimant to timely submit medical documentation concerning disability. Five days later, Claimant requested a hearing to dispute the DHS action. The form which Claimant used to request a hearing is a standard DHS form enclosed with the Notice of Case Action. The form reads, "Your hearing request must be received by the DHS on or before 1/30/12, to continue your assistance at the former level or to have your current assistance continued or reinstated."

It was not disputed that DHS failed to reinstate Claimant's ongoing MA and SDA eligibility despite Claimant's timely hearing request. DHS erred by not continuing Claimant's SDA and MA benefit eligibility due to the timely hearing request.

It was not established whether DHS properly initiated termination of Claimant's SDA and MA benefit eligibility on 1/18/12. The issue is deemed to be moot because DHS conceded that Claimant eventually complied with whatever procedural requirements that were allegedly lacking during a period when Claimant's case should have been active. It is found that DHS erred in failing to reinstate Claimant's SDA and MA benefit eligibility as a result of the conceded redetermination procedural compliance by Claimant.

Despite the improper benefit terminations, Claimant's MA and SDA benefit eligibility were eventually reexamined by DHS because of a new application submitted by Claimant in 2/2012. At some point, Claimant presented DHS with medical documents which DHS forwarded to the State Hearing Review Team (SHRT). SHRT evaluated Claimant's claim of disability as a new application rather than an ongoing claim. The distinction matters because the standard for evaluating disabilities differs depending on whether it is a new claim or an ongoing claim. It is found that DHS erred by failing to evaluate Claimant's SDA and MA benefit eligibility based on an ongoing claim of disability.


Claimant's AHR noted that Claimant was hospitalized in various times from [REDACTED] [REDACTED]. As a courtesy to Claimant, Claimant was given 30 additional days to submit hospital records so that they may be evaluated in the yet-to-be made SHRT decision.

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 eligibility for MA and SDA benefits. It is ordered that DHS:

- (1) reinstate Claimant's MA and SDA benefit eligibility effective 2/2012;
- (2) allow Claimant 30 days from the date of hearing to submit hospital records from [REDACTED]; and
- (3) forward all relevant medical documentation to SHRT for disability evaluation based on the standards of redetermination.

The actions taken by DHS are REVERSED.


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

201227538/CG

Date Signed: May 15, 2012

Date Mailed: May 15, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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 to:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

