

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20123165
Issue No: 2006
Case No: [REDACTED]
Hearing Date: November 9, 2011
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: **Suzanne D. Sonneborn**

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 November 9, 2011. Claimant's authorized hearing representative, [REDACTED], appeared on Claimant's behalf and provided testimony.

ISSUE

Whether the Department of Human Services (department) properly closed Claimant's Medical Assistance (MA) benefits due to a failure to comply with the verification requirements?

FINDINGS OF FACT

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

1. Claimant was a recipient of Medicare Savings Program benefits at all times relevant to this hearing.
2. On August 16, 2011, the department mailed Claimant a Redetermination packet form (DHS 1010), requesting completion of an enclosed application in order to review her ongoing eligibility for the Medicare Savings Program. The information was due to the department in advance of her telephone interview, scheduled for September 1, 2011 at 1:30 p.m. (Department Exhibits 1-5)
3. On September 19, 2011, the department mailed Claimant a Notice of Case Action (DHS 1605) advising Claimant that, effective October 1, 2011, her Medicare Savings Program had been closed due to her failure to return the Redetermination form and/or to provide the

required proofs that would enable the department to determine her continued eligibility for assistance. (Department Exhibits 6-7)

4. On September 28, 2011, Claimant's representative submitted a hearing request protesting the closure of Claimant's Medicaid Program.¹ (Request for a Hearing)

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (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).

For MA, the client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. A Notice of Case Action is sent when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130.

In this case, Claimant's representative testified that she called Claimant's case specialist one or two days prior to the scheduled telephone interview on September 1, 2011 and left a voicemail message with the case specialist, requesting that the interview be rescheduled to allow Claimant and Claimant's representative additional time to gather the information requested in the Redetermination form. At this Administrative Law Judge's request, Claimant's case specialist reviewed her telephone log and testified that she did indeed receive a voicemail message from Claimant's representative on August 31, 2011, wherein Claimant's representative requested additional time to prepare for the telephone interview and obtain the information sought in the Redetermination form. In light of this information, the department's representative acknowledged that it was department to close Claimant's Medicare Savings Program case without having given Claimant the additional time she requested to respond to the department's Redetermination request.

This Administrative Law Judge finds that, based on the material and substantial evidence presented during the hearing, and pursuant to BAM 130, the department improperly closed Claimant's Medicare Savings Program case for failure to provide the requisite verification information.

¹ Claimant's representative also sought a hearing regarding the department's closure of Claimant's Food Assistance Program benefits effective October 1, 2011, due to a change in department policy regarding the asset test. However, Claimant's representative acknowledged at the hearing that she was no longer challenging the department's action in this regard.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed Claimant's Medicare Savings Program case for failure to provide the requisite verification information.

Accordingly, the department's actions are **REVERSED** and the department shall immediately reinstate Claimant's Medicare Savings Program benefits and issue supplement checks for any months she did not receive the correct amount of benefits if she was otherwise entitled to them.

It is SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: November 10, 2011

Date Mailed: November 14, 2011

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 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.

SDS/cr

cc:

