

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-27870
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 23, 2013
County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 May 23, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Due to Claimant's failure to comply with the verification requirements, did the Department properly close Claimant's case for Medical Assistance (MA) effective February 1, 2013, ongoing?

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 an ongoing recipient of MA benefits.
2. On November 13, 2012, the Department sent Claimant a redetermination which was due on December 3, 2012. Exhibit 2.
3. On an unspecified date, Claimant submitted a completed redetermination.
4. On December 12, 2012, the Department sent Claimant a Verification Checklist (VCL) which was due on December 26, 2012. Exhibit 1.

5. Claimant submitted the verification by the December 26, 2012, due date.
6. On December 28, 2012, the Department sent Claimant a Notice of Case Action notifying him that his MA benefits were closed effective February 1, 2013, ongoing, due to Claimant's failure to comply with the verification requirements. Exhibit 1.
7. On January 9, 2013, Claimant filed a hearing request, protesting the denial of his MA benefits. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015

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.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

Clients must cooperate with the local Department office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (November 2012), p. 5. For MA cases, the Department allows the client 10 calendar days to provide the verification it requests. BAM 130 (May 2012), p. 5. If the client cannot provide the verification despite a reasonable effort, the Department extends the time limit up to three times. BAM 130, p. 5. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 5. Also, for MA cases, if the client indicates refusal to provide a verification or the time period given has elapsed, then policy directs that a negative action be issued. BAM 130, p. 6. Timely notice is required to reduce or terminate benefits. BAM 130, p. 6.

In the present case, Claimant was an ongoing recipient of MA benefits. On November 13, 2012, the Department sent Claimant a redetermination which was due on December 3, 2012. Exhibit 2. On an unspecified date, Claimant submitted a completed redetermination. On December 12, 2012, the Department sent Claimant a VCL which was due on December 26, 2012. Exhibit 1. The Department testified that it never received the requested verifications by the due date. Thus, on December 28, 2012, the Department sent Claimant a Notice of Case Action notifying him that his MA benefits were closed effective February 1, 2013, ongoing, due to Claimant's failure to comply with the verification requirements. Exhibit 1.

At the hearing, the Department presented as evidence the VCL dated December 12, 2012. Exhibit 1. The VCL requested that Claimant return one of the following documents: (i) last 30 days of check stubs or earnings statements; or (ii) an employer statement; or (iii) a DHS-38, Verification of Employment. See Exhibit 1. Claimant's AHR credibly testified that they had mailed the Department the Verification of Employment before the December 26, 2012, due date. The Department testified that it is possible that Claimant submitted the document; however, the case file was located in a different location due to the MA case being closed. The Department was unable to retrieve the case file at the hearing to see if the Verification of Employment was submitted timely.

Based on the foregoing information and evidence, the Department improperly closed Claimant's MA benefits effective February 1, 2013, ongoing. The Department sent Claimant the requested verifications and Claimant credibly testified that they submitted one of the required verification documents by the due date. BAM 130, pp. 1-6. Thus, the Department improperly closed Claimant's MA benefits effective February 1, 2013, ongoing, in accordance with Department policy.


DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department did act properly did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstatement Claimant's MA case as of February 1, 2013, ongoing;
2. Issue supplements to Claimant for any MA benefits he was eligible to receive but did not from February 1, 2013, ongoing; and
3. Notify Claimant in writing of its decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 30, 2013

Date Mailed: June 3, 2013

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 affect the substantial rights of the claimant,
 - 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

2013-27870/EJF

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

EJF/pf

cc:

