

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-29511
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Wayne (82-41)

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 June 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

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 to be completed by December 3, 2012. Exhibit 1.
3. Claimant submitted the redetermination to the Department on January 4, 2013.
4. On January 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA case would close effective February 1, 2013, ongoing, for failure to submit the completed redetermination timely. Exhibit 1.

5. On January 30, 2013, Claimant filed a hearing request, protesting the closure of her MA benefits. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and 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 1999 AC, Rule 400.3101 through Rule 400.3131. 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 Mich Admin Code 400.3001 through 400.3015.

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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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 Rule 400.3151 through Rule 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 1999 AC, Rule 400.5001 through Rule 400.5015.

As a preliminary matter, Claimant stated she wanted to contest her FAP benefits as well. However, Claimant testified that she would file a subsequent hearing request to address her FAP benefits. Thus, this decision will only address Claimant's MA benefits.

In this case, Claimant was an ongoing recipient of MA benefits. On November 13, 2012, the Department sent Claimant a redetermination to be completed by December 3, 2012. Exhibit 1. The MA redetermination benefit period ended on January 31, 2013. Claimant submitted the redetermination to the Department on January 4, 2013. On January 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA case would close effective February 1, 2013, ongoing, for failure to submit the completed redetermination timely. Exhibit 1.

A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210 (November 2012), p. 1. A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 8. When a complete packet is received, the Department records the receipt in its system as soon as administratively possible. BAM 210, p. 8. For MA cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2. Also for MA cases, benefits are not automatically terminated for failure to record receipt of the redetermination packet. BAM 210, p. 9. Local offices must assist clients who need and request help to complete applications, forms and obtain verifications. BAM 210, p. 1.

Additionally, a negative action is a Department action to deny an application or to reduce, suspend or terminate a benefit. BAM 220 (November 2012), p. 1. A timely notice is mailed at least 11 days before the intended negative action takes effect. BAM 220, pp. 3-4. The action is pended to provide the client a chance to react to the proposed action. BAM 220, p. 4. The Department must delete negative actions in some situations. BAM 220, p. 10. If the requirement is met before the negative action effective date, the Department will enter the information the client provided to meet the requirement that caused the negative action. BAM 220, p. 10. The Department will then delete the negative action and reactivate the program and run eligibility and certify the results. BAM 220, p. 10.

At the hearing, Claimant testified that once she received the redetermination, she attempted to contact the Department for assistance in completing the forms. Claimant testified that her current caseworker (who was present for the hearing) was not at the Department office at that time. Claimant testified she was told by the Department to contact another Department caseworker. Claimant testified that she attempted to contact the other Department caseworker multiple times (who was not present for the hearing) for assistance but had no success. Claimant testified that she eventually submitted the redetermination packet to the Department.

The Department presented as evidence Claimant's submitted redetermination. See Exhibit 2. Claimant did not note on the redetermination that she did miss the deadline. See Exhibit 2. The Department also testified that the stamp date on the redetermination shows the packet was received on April 15, 2013. Exhibit 2. However, the Department testified that this was incorrect and it received the redetermination on January 4, 2013.

Claimant testified that she submitted the redetermination late due to transportation issues.

Based on the foregoing information and evidence, the Department improperly closed Claimant's MA case. First, Claimant submitted the redetermination before the benefit period ended on January 31, 2013. The Department's testimony indicated that Claimant submitted the redetermination on January 4, 2013; thus, the Department should have processed the packet before the benefit period ended. BAM 210, pp. 1-9. Second, Claimant submitted the redetermination before the negative action date. Claimant's Request for Hearing states that the negative action date is after January 30, 2013. See Exhibit 1. Claimant submitted the requirements before this date on January 4, 2013. Thus, the Department should have deleted the negative action and it should have run Claimant's MA eligibility based on the submitted redetermination. BAM 220, pp. 1-10. Third, Claimant credibly testified that she sought assistance from the Department to complete the redetermination and the Department was unable to rebut her testimony. BAM 210, p. 1. Thus, the Department improperly closed Claimant's MA case 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 above and 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. Reinstate Claimant's MA case as of February 1, 2013, ongoing;
2. Begin reprocessing Claimant's MA redetermination for February 1, 2013, ongoing in accordance with Department policy;
3. Begin recalculating the MA budget for February 1, 2013, ongoing in accordance with Department policy;
4. Issue supplements to Claimant for any MA benefits she was eligible to receive but did not from February 1, 2013, ongoing; and

5. Notify Claimant in writing of its MA decision in accordance with Department policy.


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

Date Signed: June 11, 2013

Date Mailed: June 11, 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,
 - 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

EJF/pf

cc:

