

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

**IN THE MATTER OF:**



Reg. No.: 2013-33592  
Issue Nos.: 2006, 4003  
Case No.: [REDACTED]  
Hearing Date: June 12, 2013  
County: Wayne (82-43)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 12, 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 a failure to comply with the verification requirements, did the Department properly  deny Claimant's application  close Claimant's case  reduce Claimant's benefits for:

- |  |  |
|--|--|
| <input type="checkbox"/> Family Independence Program (FIP)?  | <input type="checkbox"/> Adult Medical Program (AMP)?                  |
| <input type="checkbox"/> Food Assistance Program (FAP)?      | <input checked="" type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)?             |

**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  applied for  was receiving:  FIP  FAP  MA  AMP  SDA  CDC.
2. On December 11, 2012, the Department sent Claimant a redetermination form to determine his ongoing eligibility for SDA and MA.

3. Claimant was required to submit the completed redetermination by January 2, 2013.
4. On February 1, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA case would close effective March 1, 2013, because he had failed to submit a completed redetermination.
5. The Department closed Claimant's SDA case effective March 1, 2013, because he had failed to submit a completed redetermination.
6. On February 25, 2013, and April 1, 2013, Claimant filed hearing requests, protesting the closure of his SDA and MA cases.

### **CONCLUSIONS OF LAW**

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

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 Mich Admin Code R 400.3151 through R 400.3180.

Additionally, the Department requires recipients of State benefits to complete redeterminations at least once every twelve months. BAM 210 (November 2012), p. 1. MA 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. SDA clients must also complete an in-person interview. BAM 210, p. 4.

On December 11, 2012, the Department sent Claimant a redetermination to determine his continued MA and SDA eligibility. The Notice was sent in the Department's regular course of business to Claimant at the address he verified at the hearing. Claimant was required to complete and sign the application and return it, with requested proofs, to the Department by January 2, 2013. The Notice also informed Claimant that he had to attend an in-person interview at the local Department office on January 2, 2013. When the Department did not receive the completed redetermination, it sent Claimant a February 1, 2013, Notice of Case Action, informing him that his MA coverage would close effective March 1, 2013, based on his failure to verify requested verification. At the hearing, the Department testified that the unverified information was the redetermination that Claimant had failed to submit. Although the Department did not

provide a copy of the Notice of Case Action concerning Claimant's SDA case, it testified that one was sent notifying Claimant of the closure of his SDA case effective March 1, 2013, also because he had failed to submit a completed redetermination.

At the hearing, Claimant's brother, who testified that he assisted Claimant with completing required paperwork, acknowledged that Claimant had received the redetermination form. He added that he and Claimant were out of town when the redetermination was due, but that he assisted Claimant in completing the form and mailed it to the Department a few weeks after the due date. Claimant's brother could not specify the date the redetermination was sent and admitted that he addressed the envelope to send the documents to the Department. Claimant did not present any evidence that he attempted to participate in or reschedule the January 2, 2013, in-person interview. The Department denied receiving any completed redetermination from Claimant. Under these facts, where Claimant cannot establish when the redetermination was sent and cannot verify where it was sent and no in-person interview was held, the Department acted in accordance with Department policy when it closed Claimant's MA and SDA cases based on Claimant's failure to complete the redetermination process.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it closed Claimant's MA and SDA cases based on Claimant's failure to timely submit a completed redetermination.

Accordingly, the Department's decision is AFFIRMED.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 19, 2013

Date Mailed: June 19, 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 receipt 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

ACE/pf

cc:

