

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

IN THE MATTER OF:



Reg. No.: 2013-49067
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 1, 2013
County: Wayne DHS (82)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on August 1, 2013, from Detroit, Michigan. Participants included [REDACTED] Claimant's legal guardian. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Medical Assistance (MA) benefit eligibility due to a failure to receive redetermination documents.

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 benefit recipient in a long-term care facility.
2. Claimant's MA benefit period was scheduled to expire at the end of May, 2013.
3. Claimant's AHR was also Claimant's authorized representative (AR).
4. On April 14, 2013, DHS mailed Claimant's AR a Redetermination.
5. Claimant's AR did not return a redetermination.
6. On May 17, 2013, DHS initiated termination of Claimant's MA benefit eligibility, effective June, 2013.
7. On May 28, 2013, Claimant's AR/AHR requested a hearing to dispute the MA benefit termination.

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 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).

Claimant's AR/AHR requested a hearing to dispute an MA benefit termination. It was not disputed that Claimant's MA benefit eligibility expired because the eligibility was not redetermined.

DHS must periodically redetermine an individual's eligibility for active benefit programs. BAM 210 (11/2012), p. 1. The redetermination process includes thorough review of all eligibility factors. *Id.* The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.*, p. 5. For MA, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.* For MA benefit redeterminations, the redetermination process begins when the client files a DHS-1171 (Assistance Application), DHS-1010 (Redetermination) or other redetermination document. *Id.*

Claimant's AR/AHR testified that DHS was needlessly concerned with a two-year old bank account of Claimant's which had a \$ [REDACTED] balance. The testimony was deemed irrelevant because Claimant's MA eligibility ended due to a failure to return a Redetermination, not a failure to verify a \$ [REDACTED] bank account balance.

Claimant's AR/AHR initially testified that redetermination documents were submitted to DHS in 3/2013 and that she had proof of the submission. The AR/AHR then conceded that she misspoke and that she could not verify the submission. By the end of the hearing, it was not clear what the AR/AHR contention was.

DHS did not bolster their case by failing to have the case file available for the hearing. Having the case file could have better established if a Redetermination was submitted.

Based on the presented evidence, it is found that the AR/AHR failed to establish timely returning a Redetermination to DHS. Accordingly, the MA benefit termination was proper. As discussed during the hearing, Claimant's AR/AHR has time to reapply for MA benefits on behalf of Claimant, including retroactive MA benefits to insure that Claimant has no lapse in MA benefit eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefit eligibility, effective 6/2013. The actions taken by DHS are **AFFIRMED**.



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

Date Signed: August 23, 2013

Date Mailed: August 23, 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 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 at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hj

cc:

