

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-48116
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: October 17, 2013
County: Wayne DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on October 17, 2013, from Redford, Michigan. Participants included the above-named Claimant. [REDACTED] appeared as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's child's eligibility for Medical Assistance (MA).

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's daughter was an ongoing MA benefit recipient.
2. Claimant's daughter's MA eligibility was scheduled to expire at the end of 5/2013.
3. DHS failed to mail Claimant redetermination documents to Claimant prior to MA closure.
4. On an unspecified date, DHS initiated termination of Claimant's daughter's MA eligibility, effective [REDACTED]/2013.

5. On [REDACTED]/13, Claimant requested a hearing to dispute her child's MA benefit termination.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute the termination of her daughter's MA benefit eligibility. During the hearing, the evidence pointed to a termination of benefits beginning in [REDACTED]/2013. It was not disputed that Claimant's daughter should have received Medicaid in [REDACTED]/2013. The evidence also indicated that DHS mailed Claimant a Notice of Case Action on [REDACTED]/2013. The Notice of Case Action mailing date is consistent with an MA benefit termination beginning in [REDACTED]/2013. For the sake of insuring a proper benefit issuance, it will be presumed that the MA benefit termination became effective [REDACTED]/2013.

DHS did not present a Notice of Case Action, which would have stated the reason for termination. DHS presented testimony that Claimant's daughter's MA eligibility ended because of an alleged failure by Claimant to return redetermination documents.

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 acceptable redetermination document. *Id.*

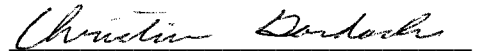
DHS conceded that a redetermination packet was not sent to Claimant. DHS may not terminate eligibility based on a client procedural failure caused by a DHS procedural failure. Accordingly, the MA benefit termination of Claimant's daughter's eligibility was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's daughter's MA benefit eligibility. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's daughter's MA benefit eligibility, effective 6/2013, subject to the finding that DHS failed to mail Claimant a redetermination packet; and
- (2) supplement Claimant for any benefits improperly not issued.

The actions taken by DHS are REVERSED.


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

Date Signed: 11/8/2013

Date Mailed: 11/8/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

CG/hw

cc:

