

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

**IN THE MATTER OF:**

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████████████████████  
████████████████████

Reg. No.: 2013-68046  
Issue No.: 2006  
Case No.: ██████████  
Hearing Date: November 6, 2013  
County: Wayne (15)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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, a telephone hearing was held on November 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist.

**ISSUE**

Did the Department properly close Claimant's Medical Assistance (MA) and Medicare Savings Program (MSP) benefits effective September 1, 2013, ongoing, due to her failure to submit a redetermination?

**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 recipient of MA and MSP benefits.
2. On July 16, 2013, the Department sent Claimant a Redetermination, which was due back by August 1, 2013. See Exhibit 1.
3. On August 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA and MSP benefits would close effective September 1, 2013, ongoing, due to her failure to submit a redetermination. Exhibit 1.

4. On August 30, 2013, Claimant filed a hearing request, protesting the MA/MSP closure. See Exhibit 1.

### **CONCLUSIONS OF LAW**

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

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.

In this case, Claimant was an ongoing recipient of MA and MSP benefits. On July 16, 2013, the Department sent Claimant a Redetermination, which was due back by August 1, 2013. See Exhibit 1. The Department testified that it never received a completed redetermination. Thus, on August 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA and MSP benefits would close effective September 1, 2013, ongoing, due to her failure to submit a redetermination. Exhibit 1.

At the hearing, Claimant testified that she received the Redetermination on July 20, 2013. Claimant testified that she completed the Redetermination and mailed it to the Department on July 21, 2013. Once Claimant received the notice of her MA/MSP closures, Claimant testified that she went into her local DHS office on August 30, 2013. Claimant testified that she filed a hearing request disputing the MA/MSP closures and also submitted a second copy of her Redetermination that she originally sent on July 21, 2013. During the hearing, Claimant provided a copy of her Redetermination dated July 21, 2013, which she testified that she submitted twice. See Exhibit A. A review of the Redetermination does indicate a completed Redetermination, which is signed July 21, 2013. See Exhibit A. The Department testified that it did not receive either submission.

A complete redetermination is required at least every 12 months. BAM 210 (July 2013), p. 1. 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, the redetermination month is 12 months from the date the most recent complete application was submitted. BAM 210, p. 2.

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. 10. For MA cases, benefits are not automatically terminated for failure to record receipt of the redetermination packet. BAM 210, p. 11.

Based on the foregoing information and evidence, the Department improperly closed Claimant's MA and MSP benefits effective September 1, 2013, ongoing, in accordance with Department policy. Claimant provided credible testimony and evidence that she submitted a completed Redetermination before the due date. Claimant even provided a copy of her Redetermination, which was completed on July 21, 2013. See Exhibit A. A review of the Redetermination does indicate a completed Redetermination, which is signed July 21, 2013. See Exhibit A. In summary, the evidence provided by the Claimant indicates that she submitted a completed Redetermination to the Department before the end of the MA/MSP benefits period. BAM 210, pp. 2 and 11.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it improperly closed Claimant's MA and MSP benefits effective September 1, 2013, ongoing.

Accordingly, the Department's MA and MSP decisions are REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's MA and MSP cases as of September 1, 2013, ongoing;
2. Begin recalculating the MA and MSP budgets for September 1, 2013, ongoing, in accordance with Department policy;
3. Issue supplements to Claimant for any MA and MSP benefits she was eligible to receive but did not from September 1, 2013, ongoing; and
4. Notify Claimant in writing of its MA and MSP decisions in accordance with Department policy.



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

Date Signed: November 14, 2013

Date Mailed: November 14, 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

EJF/cl

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]