

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-27076
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 8, 2013
County: Gogebic

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] County Director, [REDACTED] FIM, and [REDACTED] ES.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case for Medical Assistance (MA)?

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 receiving MA.
2. The Department issued a Redetermination Telephone Interview on November 13, 2012 to an incorrect mailing address for Claimant. (Exhibit 1, p. 8)
3. The Department scheduled a new appointment for December 11, 2012, but had mailed the redetermination package to the incorrect mailing address.
4. The Department reprinted the package and indicated to Claimant that he return the packet by December 31, 2012. (Exhibit 1, p. 8)
5. On December 14, 2012, the Department issued a Notice of Case which again contained Claimant's incorrect address.

6. Claimant signed a request for hearing on January 10, 2013, and in the request referred to the December 14, 2012 Notice of Case Action. (Exhibit 1, p. 1)

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105; BAM 130. The client should be allowed 10 calendar days to provide the verification. BAM 130; BAM 210. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. *Id.* "Tell the client what verification is required, how to obtain it, and the due date; see **Timeliness of Verifications** in this item. Use the DHS-3503, Verification Checklist (VCL), or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification." *Id.*

In the present case, Claimant was receiving MA. The Department issued a Redetermination Telephone Interview on November 13, 2012 to an incorrect mailing address for Claimant. The Department scheduled a new appointment for December 11, 2012, but had mailed the redetermination package to the incorrect mailing address. The Department then reprinted the package and indicated to Claimant that he return the packet by December 31, 2012. (Exhibit 1, p. 8) Claimant acknowledged at the hearing that he knew of the packet being issued, but no documentation in evidence shows that the Department mailed the packet to Claimant's correct address. On December 14, 2012, the Department issued a Notice of Case Action which again contained Claimant's incorrect address. Claimant signed a request for hearing on January 10, 2013, and in the request referred to the December 14, 2012 Notice of Case Action.

As previously stated, the Department offered into evidence testimony and documentation that it had given Claimant extensions on prior requests for verification. The Department, in the end, gave Claimant an opportunity to return verification by December 31, 2012, but the Department did not prove that the Department mailed the Redetermination packet to Claimant's correct mailing address. Moreover, the Department did not issue a new Notice of Case Action upon Claimant's failure to return verification by December 31, 2012. Rather, the Department relied on the Notice of Case Action dated December 14, 2012, which contained Claimant's incorrect address. Based on the above discussion, it is found that the Department was not correct when it issued Redetermination packets and a Notice of Case Action to Claimant's incorrect address, as the testimony was unclear as to whether Claimant actually received these required documents prior to January 10, 2013, when Claimant signed a request for

hearing based on the December 14, 2012 Notice of Case Action. Without proof that Claimant received the Department documentation in a timely manner, it cannot be concluded that Claimant failed to cooperate with the Department in a timely manner, as required by BAM 105, BAM 130 and BAM 210.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly closed Claimants MA case.

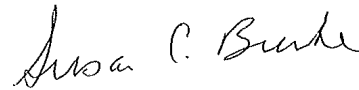
DECISION AND ORDER

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 did not act properly.

Accordingly, the Department's decision is **REVERSED** for the reasons stated 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. Initiate reinstatement of Claimant's MA case, effective January 1, 2013, if Claimant is otherwise eligible for MA.
2. Notify Claimant in writing of the Department's determination with respect to MA eligibility.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 27, 2013

Date Mailed: August 28, 2013

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

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

SCB/las

cc:

