

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

IN THE MATTER OF:



Reg. No.: 2013-31658
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: July 22, 2013
County: Macomb (50-20)

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 July 22, 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 close Claimant's Medical Assistance (MA) cases?

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 and her family were ongoing recipients of MA.
2. On January 15, 2013, the Department sent Claimant a redetermination.
3. Claimant was required to submit the completed redetermination by February 1, 2013.
4. On February 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her family's MA cases would close effective February 28, 2013, because she had failed to return the completed redetermination.
5. On February 25, 2013, Claimant filed a hearing request, protesting the closure.

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.

Additionally, the Department requires recipients of State benefits to complete redeterminations at least once every twelve months. BAM 210 (May 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.

In this case, the Department testified that it sent Claimant a redetermination on January 15, 2013, to determine her group's continued MA eligibility. The redetermination was due by February 1, 2013. When the Department did not receive a completed document, it sent Claimant a February 16, Notice of Case Action, notifying her that her MA cases would close effective February 28, 2013, based on her failure to return the redetermination form. The Department did not include a copy of the Notice of Case Action with its hearing packet.


At the hearing, Claimant acknowledged receiving the redetermination and testified that she completed it and sent it back to the Department in the enclosed self-addressed envelope. However, Claimant was unable to establish when she sent in the redetermination or even that it was sent prior to the case closure. The Department verified that the return address on the redetermination would have resulted in the document being sent to the Department's [REDACTED] Claimant's local office. However, the Department testified that it had not received a redetermination from Claimant at any point. In light of Claimant's failure to establish when the redetermination was sent to the Department and the Department's credible testimony that it did not receive a completed redetermination from Claimant, the Department acted in accordance with Department policy when it closed Claimant's MA cases for failure to return a completed redetermination.

It is noted that Claimant was advised at the hearing to reapply for MA. This Hearing Decision in no way affects that application or Claimant's eligibility for MA pursuant to that application.

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 cases.

Accordingly, the Department's decision is AFFIRMED.


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

Date Signed: July 25, 2013

Date Mailed: July 29, 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:

