

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

IN THE MATTER OF:

████████████████████
██
██

Reg. No.: 2013-32606
Issue No.: 2006
Case No.: ██████████
Hearing Date: June 6, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 three way telephone hearing was held on June 6, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Due to a failure to complete a redetermination, 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 an ongoing recipient of MA benefits.
2. On November 13, 2012, the Department sent Claimant a redetermination that was to be completed and returned on or before December 3, 2012. (Exhibit 1)
3. On February 16, 2013 the Department sent Claimant a Notice of Case Action informing her that effective March 1, 2013, the Department intended to terminate her MA benefits due to a failure to return the redetermination. (Exhibit 2)
4. On February 22, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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 of Human Services (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 must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (November 2012), p 1. A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. The redetermination month is 12 months from the date the most recent complete application was submitted. BAM 210, p.2. The Department allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information for MA redeterminations. BAM 210, p.11. For MA cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. Timely notice of the negative action is given if the time limit is not met. BAM 210, p.11.

In this case, the Department testified that on November 13, 2012, it sent Claimant a redetermination for her MA case that was to be completed and returned on or before December 3, 2012. (Exhibit 1). The Department testified that because it did not receive a completed redetermination by the due date, on February 16, 2013, the Department sent Claimant a Notice of Case Action informing her that effective March 1, 2013, the Department intended to terminate her MA benefits due to a failure to return the redetermination. BAM 210, p. 11; (Exhibit 2).

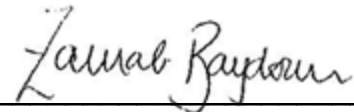
At the hearing, Claimant confirmed that she received the redetermination and that she was aware that she had to complete and return it to the Department. Claimant testified that she was in the hospital for a period of time before and after the redetermination due date. Claimant stated that she repeatedly attempted to contact the Department to request that the time she was given to submit the redetermination be extended; but received no return phone call from the Department. Although the Department did not formally grant Claimant an extension to submit the redetermination, in essence, Claimant was granted an extension because the Department took no action on her case until February 16, 2013 when it sent Claimant a Notice of Case Action informing her of her MA closure effective March 1, 2013.

According to BAM 220, Claimant's MA coverage should have stopped at the end of the benefit period because a new benefit period was not certified, however, the Department

continued her MA benefits for until March 1, 2013. Additionally, as of the hearing date, Claimant had not submitted a completed redetermination. Because the Department did not receive the redetermination by the due date, the Department did act in accordance with Department policy when it closed Claimant's MA case for failure to return the redetermination. Claimant was informed that she could reapply for MA retroactive to three months so that there would be no lapse in her MA coverage.

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 case for failure to return a completed redetermination. Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 24, 2013

Date Mailed: June 24, 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 affect the substantial rights of the claimant:
 - 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

2013-32606/ZB

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

ZB/cl

cc: [REDACTED]
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