

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

IN THE MATTER OF:

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

Reg. No.: 2013-33755
Issue No.: 2006
Case No.: ██████████
Hearing Date: June 12, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 June 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and ██████████, her niece and interpreter. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 applied for benefits received benefits for:

- | | |
|--------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On March 1, 2013, the Department
 denied Claimant's application closed Claimant's case
due to a determination that she failed to provide verification of her assets..
3. On February 6 and 22, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notices of the denial. closure.
4. On March 1, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained 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 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, Bridges Administrative Manual (BAM) 600, "Hearings," states the Department's policy regarding resolution of a matter when the customer believes that the Department decision is incorrect. BAM 600 states at the outset that

Efforts to clarify and resolve the client's concerns must start when the hearing request is received and continue through the day of the hearing. Department of Human Services Bridges Administrative Manual (BAM) 600 (2013) (boldface in original).

The following additional findings of fact and conclusions of law are entered in this case. On February 6, 2013, the Department sent Claimant a Verification Checklist requesting her bank statements. The deadline for submitting the documents was February 19, 2013. The Claimant failed to meet the deadline. The Claimant has a language barrier, and at the time her English-speaking niece was out of town and could not help her with her mail. Dept. Exh. 1, p 17.

Also on February 6, and again on February 22, 2013, the Department issued Notices of Case Action, stating that Claimant's benefits would be terminated effective March 1, 2013. *Id.*, pp. 11-15, 19-24.

On March 1, 2013 the Claimant filed, along with her hearing request, the requested bank statement as verification of assets. Claimant's bank statement indicates that on January 3, 2013, her balance was \$5,000.48. Dept. Exh. 1, pp. 7-8.

While Claimant may have erred in failing to submit her bank statement to the Department in a timely fashion, she quickly remedied her error by submitting the document along with her hearing request. BAM 600 requires the Department to recognize and resolve the client's concerns from the day the hearing request is received up to the day of the hearing. In this case the Department failed to recognize that Claimant submitted, albeit belatedly, the necessary information. When the Department received the bank statement, it should have determined immediately whether Claimant met the MA asset limit. Department of Human Services Bridges Eligibility Manual (BEM) 400 (2013).

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

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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 act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. Reinstate Claimant's MA benefits.
2. Determine whether her \$5,000.48 cash asset meets or is equal to the asset limit set forth in BEM 400.

3. Provide retroactive and ongoing MA benefits to Claimant at the benefit level to which she is entitled.
4. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 13, 2013

Date Mailed: June 13, 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
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]