

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201337140
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 7, 2013
County: Jackson

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on August 7, 2013. Claimant appeared and testified. The Department was represented by [REDACTED] and [REDACTED].

ISSUE

Did the Department of Human Services properly close Claimant's Medical Assistance (MA) on March 1, 2013, for failure to provide required verifications?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was an ongoing recipient of Medical Assistance (MA) benefits. Claimant's Medical Assistance (MA) eligibility was due for re-determination by March 1, 2013.
- (2) On January 15, 2013, Claimant was sent a Redetermination Form (DHS-1010).
- (3) On January 28, 2013, Claimant returned the Redetermination Form (DHS-1010).
- (4) On February 13, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Medical Assistance (MA) would close on March 1, 2013, for failure to provide all required verifications.
- (5) On March 1, 2013, Claimant's Medical Assistance (MA) closed because the Department had not received all required verifications.

- (6) On March 25, 2013, Claimant submitted a request for hearing.
- (7) On March 26, 2013, Claimant submitted an application for Medical Assistance (MA) benefits. Claimant's March 26, 2013, application was denied based on the verifications which the Department needed to complete Claimant's re-determination.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

During this hearing Claimant continually asserted and implied that it was the Department's fault her Medical Assistance (MA) closed on March 1, 2013. Claimant focused most of her arguments on the lack of clarity in the Department's communication to her. At one point Claimant stated that she worked in corporate America, was an organized person and did make mistakes but did not try to blame others for her mistakes. Based on interaction with Claimant during this hearing it is clear that she is an intelligent and competent woman.

The eligibility summaries submitted into evidence by the Department show Claimant has been receiving benefits from DHS since at least July 2010. That fact combined with Claimant's level of intelligence and organization make it impossible for this Administrative Law Judge to believe she did not know and understand what information and verifications the Department needed in order to determine her eligibility for the third or fourth time prior to March 1, 2013.

No evidence in this record shows that the Department failed to follow their own policy prior to closure of Claimant's Medical Assistance (MA) on March 1, 2013.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Medical Assistance (MA) on March 1, 2013 for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 08/20/2013

Date Mailed: 08/20/2013

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 effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

201337140/GFH

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

GFH/sw

cc:

