

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201345304
Issue No: 2006
Case No: [REDACTED]
Hearing Date: July 10, 2013
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received by the Department of Human Services (department) on April 30, 2013. After due notice, a telephone hearing was held on July 10, 2013 at which Claimant appeared and provided testimony. The department was represented by [REDACTED], a family independence manager, and [REDACTED], an eligibility specialist, both with the department's Berrien County branch office.

ISSUE

Whether the department properly closed Claimant's Medicaid Program (MA) benefits for failure to timely return the required redetermination materials?

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 a recipient of Medicaid Program (MA) benefits at all times pertinent to this hearing.
2. Claimant's MA case came due for a redetermination in March 2013. On February 12, 2013, the department mailed Claimant a Redetermination Notice (DHS-1010), requiring Claimant to complete the form and return it to the department by March 13, 2013, the date on which Claimant was scheduled for a telephone interview, in order to continue her current benefits. (Department Exhibit 1)
3. The department did not receive Claimant's completed Redetermination paperwork by the March 13, 2013 deadline.

4. On April 19, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605) notifying Claimant that her MA benefits would be closed effective May 1, 2013 because she failed to return the redetermination form that was mailed to her. (Department Exhibit 2)
5. On April 29, 2013, Claimant submitted a hearing request protesting the closure of her MA case. (Hearing Request)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the BAM, the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications and the department must assist clients when necessary. BAM 105.

The department tells the client what verification is required, how to obtain it, and the due date through the use of the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM 130. The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

In this case, the department closed Claimant's MA benefits effective May 1, 2013 based on Claimant's apparent failure to return her completed redetermination paperwork by the March 13, 2013 deadline.

At the July 10, 2013 hearing, Claimant testified and produced supporting documentation establishing that she completed and submitted the redetermination paperwork on March 10, 2013. Claimant further testified that she was awaiting a phone call from her specialist on the designated time and date for her redetermination interview (March 13, 2013 at 3:30 p.m.) and she was never contacted. Claimant further testified that, thereafter, she placed several calls and voicemails to her specialist in March 2013 and in early April 2013 regarding the rescheduling of her redetermination interview and her specialist never returned her calls or otherwise advised her that the department did not receive the redetermination paperwork that she submitted on March 10, 2013.

In response to Claimant's testimony, the department's representative, [REDACTED], acknowledged that Claimant's specialist should have returned Claimant's calls and informed her that the department had no record of having received her redetermination paperwork, which simple action could have avoided the closure of Claimant's MA benefits and this subsequent hearing process.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the July 10, 2013 hearing, the department did not act in accordance with policy when it closed Claimant's MA benefits effective May 1, 2013 for failure to timely return the required redetermination materials.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not act in accordance with policy when it closed Claimant's MA benefits for failure to timely return the required redetermination materials. Accordingly, the department's actions in this regard are **REVERSED** and the department shall immediately reinstate and reprocess Claimant's redetermination paperwork and redetermine Claimant's eligibility for MA benefits effective May 1, 2013 in accordance with the applicable department policy and issue supplement checks for any months Claimant did not receive the correct amount of such benefits if she was otherwise entitled to them.

IT IS SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 11, 2013

Date Mailed: July 12, 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.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

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A request for a rehearing or reconsideration must be submitted through the local DHS office or directly to MAHS by mail at:

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

SDS/aca

cc:

