

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-52901
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: July 17, 2013
County: Oakland (63-03)

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 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. 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 deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Program (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 upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for was receiving MA benefits for her daughter.
2. On February 12, 2013, the Department sent Claimant a Healthy Kids Redetermination Notice for her daughter.
3. On April 1, 2013, the Department

- denied Claimant's application
 - closed Claimant's daughter's MA case
 - reduced Claimant's benefits
- for failure to submit a completed redetermination in a timely manner.

4. On March 18, 2013, the Department sent notice of the
- denial of Claimant's application.
 - closure of Claimant's daughter's MA case.
 - reduction of Claimant's benefits.
5. On June 7, 2013, Claimant filed a hearing request, protesting the
- denial. closure. reduction.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and 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, in this case, the Department sent Claimant a redetermination on February 12 2013, concerning her daughter's continued eligibility for MA coverage under the Healthy Kids Program. The completed redetermination was due March 1, 2013. On March 18, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's daughter's MA case effective April 1, 2013, because Claimant failed to return the completed redetermination.

At the hearing, the Department, reading the hearing summary prepared by the worker, testified that it sent Claimant a Quick Note on May 24, 2013, requesting verification of citizenship and, although the information was not timely received, Claimant's daughter's MA was restored when the information was received. However, the Department testified at the hearing that, contrary to the hearing summary, benefits had not been restored. The Department representative, who was not the worker who prepared the hearing summary, did not have any information concerning when and if the redetermination was received and could not explain why the Quick Note was sent out after the case had closed.

Claimant credibly testified that she returned the completed redetermination, along with all requested proofs, on March 1, 2013, the due date for the redetermination, by submitting the documents in the Department drop box and signing the sign-in log. She further testified that she had reapplied when she received the Notice of Case Action closing her daughter's MA. Based on Claimant's credible testimony that she returned

the completed redetermination and all requested proofs and the Department's hearing summary which indicated that the daughter's MA was being reinstated, the Department did not act in accordance with Department policy when it closed Claimant's daughter's MA case.

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 not act in accordance with Department policy when it closed Claimant's daughter MA case.

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's daughter's MA case effective April 1, 2013;
2. Begin processing Claimant's redetermination in accordance with Department policy;
3. Provide Claimant's daughter with MA coverage she is eligible to receive from April 1, 2013, ongoing; and
4. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: July 18, 2013

Date Mailed: July 18, 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.

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- 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:

