

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-55348
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 21, 2013
County: Oakland (63-04)

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 August 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) case based on failure to submit a completed redetermination?

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 was an ongoing MA recipient.
2. On April 30, 2013, the Department sent the AHR, who is also Claimant's authorized representative (AR), a redetermination concerning Claimant's ongoing eligibility for MA and Medicare Savings Program (MSP) benefits that was due on May 15, 2013.
3. On May 17, 2013, the Department sent Claimant a Notice of Case Action closing her MA case effective June 1, 2013, because she had failed to return the completed redetermination and proofs.

4. On May 24, 2013, Claimant's AHR filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), and the Department of Human Services 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.

The Department requires recipients of State benefits to complete redeterminations at least once every twelve months. BAM 210 (November 2012), p. 1. MA benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2.

The Department sent Claimant's AHR a redetermination form to determine Claimant's ongoing eligibility for MA and for MSP (which pays for a client's Medicare expenses based on income eligibility) on April 30, 2013. Claimant's AHR, as the AR, was required to complete the form, sign it, and return it to the Department by May 15, 2013. The Department sent Claimant a May 17, 2013, Notice of Case Action, informing her that her MA case would close effective June 1, 2013, based on her failure to return the redetermination form to allow the Department to assess her continued eligibility for assistance. The Department did not close Claimant's MSP case based on failure to complete the redetermination.

At the hearing, the Department denied ever receiving a completed redetermination. However, the AHR countered that she timely submitted a completed redetermination. She provided a certified mail receipt showing that she mailed a document to the Department at the address the Department verified was correct and that the document was received by the Department on May 9, 2013. Claimant provided a copy of the documents that she credibly testified were in the mail received by the Department on May 9, 2013. These documents included the April 30, 2013, redetermination completed and signed by the AHR on May 6, 2013, and required proofs as well as a May 6, 2013, cover letter to Claimant's worker enclosing the documents.

Based on the evidence presented, the AHR established that, as Claimant's AR, she timely submitted Claimant's redetermination to the Department. Therefore, the Department did not act in accordance with Department policy when it closed Claimant's MA case for failure to provide a completed redetermination.


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 MA case.

Accordingly, the Department's MA 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 MA case effective June 1, 2013;
2. Begin reprocessing Claimant's MA redetermination in accordance with Department policy;
3. Provide Claimant with MA coverage she is eligible to receive from June 1, 2013, ongoing; and
4. Notify Claimant and the AHR 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: August 26, 2013

Date Mailed: August 26, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;

- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

ACE/pf

cc:

