

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

IN THE MATTER OF:



Reg. No.: 2014-3441
Issue No.: 2003
Case No.: [REDACTED]
Hearing Date: December 12, 2013
County: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 12, 2013, from Detroit, Michigan. Participants included [REDACTED], Claimant's guardian and authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included Charlotte Metcalf, Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly did not process Claimant's redetermination for Medical Assistance (MA) eligibility due to Claimant's failure to return redetermination documents.

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 benefit recipient.
2. Claimant's MA benefit eligibility was expected to end effective [REDACTED]/2013.
3. On an unspecified date, DHS mailed a Redetermination to Claimant.
4. Claimant failed to return the Redetermination to DHS.

5. On [REDACTED]/13, DHS initiated termination of Claimant's MA benefit eligibility.
6. On [REDACTED]/13, Claimant's AHR requested a hearing to dispute the MA termination.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant's AHR requested a hearing to dispute a termination of Claimant's MA eligibility. It was not disputed that Claimant's MA eligibility stopped, effective 10/2013, due to DHS not redetermining Claimant's eligibility.

Bridges generates a redetermination packet to the client three days prior to the negative action cutoff date in the month before the redetermination is due. BAM 210 (7/2013), p. 5. For MA, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 2.

Claimant's guardian conceded that he received a Redetermination packet. Claimant's guardian testified that he did not return the hearing packet after speaking with Claimant's specialist. Claimant's guardian testified that Claimant's specialist essentially advised him to not return the packet if he could not submit verification that his mother's retirement income would remain the same for the life of Claimant. Claimant's guardian testified that he could not obtain proof that his mother's income would remain unchanged, so he did not submit the Redetermination.

Claimant's specialist testified that Claimant's guardian misunderstood the conversation. Claimant specialist conceded that she told Claimant's guardian to submit a statement that his mother's income would not change but only if Claimant's guardian did not want to verify the income again.

The evidence established miscommunication between Claimant's specialist and Claimant's guardian. Claimant's guardian's failure to submit proof of Claimant's income could be excused by the miscommunication. Claimant's failure to return any redetermination documents is more difficult to excuse. Claimant's guardian's failure to return any documents to DHS makes Claimant's guardian the party most likely responsible for the miscommunication.

Based on the presented evidence, it is found that DHS properly terminated Claimant's MA benefit eligibility. As discussed during the hearing, Claimant may reapply and seek retroactive MA benefits for up to three months if MA benefits are still needed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefit eligibility effective [REDACTED]/2013. The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 1/2/2014

Date Mailed: 1/2/2014

NOTICE OF APPEAL: 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.

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).

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

CG/hw

cc:

