

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201421143
Issue No.: 2002
Case No.: [REDACTED]
Hearing Date: February 18, 2014
County: Washtenaw (20)

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on Tuesday, February 18, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES and [REDACTED], FIM.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case for Medical Assistance (MA)?

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 received MA benefits.
2. Claimant was required to submit requested verification of a New Hire Notice by December 9, 2013.
3. On December 11, 2013, the Department closed Claimant's case.
4. On December 11, 2013, the Department sent Claimant notice of its action.

5. On December 23, 2013, Claimant filed a hearing request, protesting the Department's action.

CONCLUSIONS OF LAW

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

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.

Additionally, the Claimant was a recipient of FAP and MA. On November 27, 2013, the Department Caseworker sent the Claimant a New Hire Client Notice for the Claimant to complete that was due by December 9, 2013. Department Exhibit 7-8. The Claimant failed to provide the required verification by the due date of December 9, 2013. As a result, the Department Caseworker sent the Claimant a notice on December 11, 2013 that her MA case would be closing effective January 1, 2014 due to failure to provide verification. Department Exhibit 9-10. BAM 807.

BAM 807, NEW HIRES, page 2

Failure to Provide

If verifications are not returned by the 10th day, the case will close for a minimum of 30 days after appropriate actions are taken in Bridges, unless client returns verifications. See following examples. The date the client reapplies determines if the new hire verifications must be returned before processing the new application.

Example: [REDACTED] applies for assistance 30 days after closure. She must return the new hire verifications before processing the application. The case must be opened from the date that verifications are provided.

Example: [REDACTED] applies for assistance 31 days after the closure. Her case may be reopened from the date of the new application, if eligible.

During the hearing, the Claimant stated that she was [REDACTED] and did not get her mail timely. She did turn in the requested verification with her hearing request on December 23, 2013. Department Exhibit 4-6. However, the Department did not

process her verification because it was after the due date of December 9, 2013. The policy in BAM 807 under New Hires clearly states that after 10 days the Claimant's case will close for a minimum of 30 days, unless the Claimant turns in the verification. In this case, the verification was turned after 10 days, but before the case closed and before 30 days.

Therefore, the Department has not met their burden that the Claimant's MA case should be closed because the Claimant did turn in the required verification before the case closed on the system and before the 30th day.

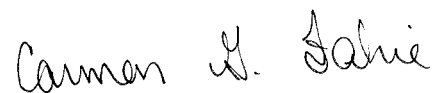
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any finds that the Department did not act in accordance with Department policy when it allowed the Claimant's MA case to close on January 1, 2014 even though they had received the verification on December 23, 2013.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination of the Claimant's eligibility for MA retroactive to January 1, 2014 processing the verification received on December 23, 2014.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/3/14

Date Mailed: 3/4/14

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

CGF/aca

cc:

