

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-25232
Issue No(s): 1000, 2001
Case No.: [REDACTED]
Hearing Date: March 12, 2014
County: Washtenaw-20

ADMINISTRATIVE LAW JUDGE: DARRYL T. JOHNSON

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 March 12, 2014 from Lansing, Michigan. Participants on behalf of Claimant included the Claimant [REDACTED] his daughter, [REDACTED] (who translated from English to Arabic and vice versa), and his wife, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED] and Family Independence Specialist [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

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 on-going recipient of FIP, FAP, and MA benefits.
2. On November 12, 2013 the Department mailed Claimant a Redetermination form (Exhibit 1 Page 11-14) but used a street address which was one digit off in the house number. The notice would have been directed to the correct block on the correct street of the correct city, but not to the correct house number. Claimant was required to respond by December 2, 2013 but did not respond until January 9, 2014.
3. On December 13, 2013 the Department mailed Claimant a Notice of Case Action (NCA) informing him that his MA was being closed. (Exhibit 1 Pages 15-17.)

4. On December 27, 2013 and on January 9, 2014, the Department mailed two NCAs to Claimant at the wrong address. (Exhibit 1 Pages 26-27). Notations on the Exhibits indicate they concerned his applications for FAP and FIP.
5. Claimant applied for MA using the online application form on January 10, 2014.
6. On January 17, 2014 the Department mailed a Verification Checklist to Claimant at the correct address, with a due date of January 27, 2014. (Exhibit 1 Pages 18-19.)
7. Also on January 17, 2014 the Department mailed an NCA (Exhibit 1 Pages 22-23) informing him that his MA application was denied "because the (Adult Medical Program) is closed to new enrollments at this time."
8. On January 27, 2014 Claimant submitted his verification. (Exhibit 1 Pages 20-21.)
9. On January 27, 2014 Claimant requested a hearing on the issues of MA. (Exhibit 1 Page 4.)

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

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.

There was an issue with the Department mailing documents to an incorrect address, and some documents were returned to the Department. However, the evidence is persuasive that the VCL was received by the Claimant, yet it was not completed and returned until more than a month after it was due.

“Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews.” BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**

The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

The issue is whether the Claimant provided timely verification in response to the request. The evidence is persuasive that the forms were mailed to the Claimant at his address of record. While there were acknowledged issues with some mail being returned, the evidence is convincing that the VCL was received by the Claimant, but not returned until long after the due date.

Because he did not comply by timely providing his verification, the Department properly closed Claimant’s MA benefits on December 13, 2013.

With respect to his January 10, 2014 MA application, the evidence is persuasive that the Claimant did not receive the VCL mailed January 17. Furthermore, the Department closed Claimant’s MA app on the same day that the VCL was mailed, although it was closed because there was a freeze on new enrollments. The Department erred in providing Claimant with a VCL on January 17 and then closing the application on the same date.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Claimant’s MA benefits on December 13, but it did not act in accordance with Department policy when it denied his application on January 17, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** with respect to the December 17, 2014 action. The Department is **REVERSED** with respect to the January 17, 2014 denial of MA benefits.

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. Redetermine Claimant's MA benefit eligibility, effective January 1, 2014, and award him all the benefits he might be entitled to receive, as long as he meets the remaining financial and non-financial eligibility factors.



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 13, 2014

Date Mailed: March 13, 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

DTJ/las

cc:

