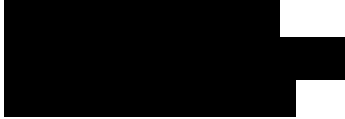


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2014-15359
Issue No(s): 2003
Case No.:
Hearing Date: February 6, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 February 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included , Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) benefits effective December 1, 2013, due to the 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 recipient of MA benefits.
2. On October 15, 2013, the Department sent Claimant a redetermination (DHS-1010) and the form was due back by November 1, 2013. See Exhibit 1.
3. Claimant failed to submit a completed redetermination by the end of benefit period (November 30, 2013).
4. On November 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefit would close effective December 1, 2013, ongoing, due to her failure to submit a completed redetermination. See Exhibit 1.

5. On November 22, 2013, Claimant filed a hearing request, protesting the MA closure. See Exhibit 1.

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 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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

A complete redetermination is required at least every 12 months. BAM 210 (October 2013), p. 1. For MA cases, 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.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 10. When a complete packet is received, the Department records the receipt in its system as soon as administratively possible. BAM 210, p. 10. If the redetermination is submitted through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210, p. 10.

For MA cases, benefits are not automatically terminated for failure to record receipt of the redetermination packet. BAM 210, p. 10.

In this case, Claimant was an ongoing recipient of MA benefits. On October 15, 2013, the Department sent Claimant a redetermination (DHS-1010) and the form was due back by November 1, 2013. See Exhibit 1. The Department testified that Claimant failed to submit a completed redetermination by the end of benefit period (November 30, 2013). Thus, on November 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefit would close effective December 1, 2013, ongoing, due to her failure to submit a completed redetermination. See Exhibit 1.

At the hearing, Claimant testified that she submitted the redetermination via mail one week after she received it. Moreover, Claimant testified that she called her DHS caseworker to inquire on her case closure and never received a phone call back from her worker. The Department testified it did not receive any phone calls. Also, Claimant

testified about a phone call from her DHS caseworker a day before her hearing. The Department testified that it did call the Claimant a day before the hearing because of her review. Additionally, it appeared that Claimant was referencing a different form she submitted. Claimant testified that there was no due date and she had to submit verifications. Nevertheless, Claimant testified that she submitted the redetermination before the due date. The Department testified that it checked the reception log and it did not locate any packet received. Moreover, the Department presented a packet received screen, which indicated that it did not receive a redetermination. See Exhibit 1.

Based on the foregoing information and evidence, the Department properly closed Claimant's MA benefits effective December 1, 2013, ongoing, in accordance with Department policy. First, Claimant testified that she submitted the redetermination before the due date; however, the Department presented credible testimony and evidence that it did not receive the packet. Moreover, it appeared that Claimant was referencing a different form she submitted. Second, even though Claimant testified that she attempted to contact the Department, ultimately, she failed to submit the redetermination before the due date. The Department testified that it checked the reception log and did not discover her redetermination was submitted. Also, the packet received document did not indicate any submission of a redetermination. See Exhibit 1. Claimant must complete the necessary forms in determining her ongoing MA eligibility. BAM 105, p. 6. Because the Claimant failed to submit a completed redetermination before the end of the benefit period (November 30, 2013), the Department acted in accordance with Department policy when it closed Claimant's MA benefits effective December 1, 2013, ongoing. BAM 105, p. 6 and BAM 210, pp. 1, 2, and 10.

DECISION AND ORDER

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 acted in accordance with Department policy when it properly closed Claimant's MA case effective December 1, 2013, ongoing.

Accordingly, the Department's MA decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 4, 2014

Date Mailed: March 4, 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

EJF/tlf

cc:

