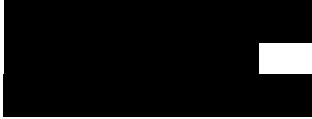


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2014-29383
Issue No(s): 2003; 4000
Case No.: [REDACTED]
Hearing Date: April 10, 2014
County: Wayne (19)

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 April 10, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED] Medical Contact Worker.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) benefits effective March 1, 2014?

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 December 16, 2013, the Department sent Claimant a redetermination (DHS-1010), which was due back by January 2, 2014. (See Exhibit 1).
3. Claimant received the redetermination; however, she failed to return the redetermination by the due or by the end of the benefit period.
4. On February 11, 2014, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits closed effective March 1, 2014, ongoing, due to Claimant not being aged, blind, disabled, under 21, pregnant, or parent/caretaker

relative of dependent child and that disability/blindness determination made by DHS. (See Exhibit 1).

5. On February 18, 2014, Claimant filed a hearing request, protesting her MA denial and State Disability Assistance (SDA) benefits. (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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

As a preliminary matter, on February 11, 2014, Claimant also requested a hearing disputing her SDA benefits. (See Exhibit 1). Shortly after commencement of the hearing, Claimant was no longer disputing her SDA benefits. As such, Claimant's SDA hearing request is DISMISSED.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (January 2014), p. 7. This includes completion of necessary forms. BAM 105, p. 7.

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. For MA cases, the Department does not require an in-person interview as a condition of eligibility. BAM 210, p. 4.

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. The Department testified that Claimant was found disabled at a previous administrative hearing. (See Hearing Summary, Exhibit 1). Moreover, the Department testified that the decision ordered the Department to initiate review in July 2013. [See Disability Determination – Medical Review Team (MRT), Exhibit 1]. On December 16, 2013, the Department sent Claimant a redetermination (DHS-1010), which was due back by January 2, 2014. (See Exhibit 1). The Department testified that Claimant failed to return the redetermination by the due date or by the end of the benefit period. Thus, on February 11, 2014, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits closed effective March 1, 2014, ongoing, due to Claimant not being aged, blind, disabled, under 21, pregnant, or parent/caretaker relative of dependent child and that disability/blindness determination made by DHS. (See Exhibit 1).

At the hearing, Claimant acknowledged that she received the redetermination. However, Claimant testified that she was unfamiliar with the process as this was her first time completing it. Claimant testified that she did not know that she had to complete the redetermination. Moreover, Claimant mistook the language under the appointment date of “none required,” to mean she did have to complete the redetermination. (See Exhibit 1). Subsequently, Claimant testified that she received the notice of case closure (dated February 11, 2014) and attempted to contact the Department, without any success. Nonetheless, Claimant testified she went to her local DHS office and was told to submit a hearing request to dispute the denial. It should be noted that Claimant testified as to her medical conditions and provided such documentation as evidence. (See Exhibit A).

Upon certification of eligibility results, the Department automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220 (January 2014), p. 1. A notice of case action must specify the following: the action(s) being taken by the department; the reason(s) for the action; the specific manual item which cites the legal base for an action or the regulation or law itself; and other factors listed in BAM 220. BAM 220, p. 2.

The local office and client or AHR will each present their position to the ALJ, who will determine whether the actions taken by the local office are correct according to fact, law, policy and procedure. BAM 600 (March 2014), p. 36. Both the local office and the client or AHR must have adequate opportunity to present the case, bring witnesses, establish all pertinent facts, argue the case, refute any evidence, cross-examine adverse witnesses, and cross-examine the author of a document offered in evidence. BAM 600, p. 36. The ALJ determines the facts based only on evidence introduced at the hearing, draws a conclusion of law, and determines whether DHS policy was appropriately applied. BAM 600, p. 39.

Based on the foregoing information and evidence, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it improperly closed Claimant’s MA benefits effective March 1, 2014, ongoing. BAM 600, pp. 36-39.

First, the Department's case presentation regarding her MA closure was based upon the Claimant's failure to submit a redetermination. However, the Notice of Case Action notifying her of the MA closure did not specify such a denial reason. (See Exhibit 1). Specifically, the MA benefits closed due to Claimant not being aged, blind, disabled, under 21, pregnant, or parent/caretaker relative of dependent child and that disability/blindness determination made by DHS. (See Exhibit 1). Nowhere does it mention failure to submit a redetermination or BAM 210 policy. (See BAM 210, pp. 1-10). Therefore, the Department failed to properly notify Claimant the reasons and legal basis for her MA closure effective March 1, 2014, ongoing. (See BAM 220, p. 2).

Second, the Department failed to present evidence that a disability/blindness determination was made by DHS. The denial reason is based upon finding the Claimant was not disabled. (See Exhibit 1). There was no evidence presented that the Medical Review Team (MRT) had made such a determination. BEM 260 states that Department refers the client to the MRT to determine continued disability or blindness when an administrative law judge or the State Hearing Review Team (SHRT) requires a review. BEM 260 (July 2013), p. 6. There was no evidence presented of a MRT review to determine that Claimant is not disabled. Moreover, the MRT review would include reviewing Claimant's updated medical documentation. There was no evidence presented (other than a redetermination) that the Department sent Claimant a medical packet to complete in order for it to be reviewed by MRT. (See BEM 260, pp. 8-9).

In summary, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it improperly closed Claimant's MA benefits effective March 1, 2014, ongoing, for the above reasons. BAM 600, pp. 36-39. The Department will reinstate Claimant's MA benefits in accordance with Department policy.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it improperly closed Claimant's MA benefits effective March 1, 2014, ongoing.

Accordingly, the Department's MA 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. Reinstate Claimant's MA case as of March 1, 2014, ongoing;
2. Begin recalculating the MA budget for March 1, 2014, ongoing, in accordance with Department policy;

3. Issue supplements to Claimant for any MA benefits she was eligible to receive but did not from March 1, 2014, ongoing; and
4. Notify Claimant in writing of its MA decision in accordance with Department policy.

IT IS ALSO ORDERED that Claimant's SDA hearing request (February 18, 2014) is **DISMISSED**.



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

Date Signed: 4/18/2014

Date Mailed: 4/18/2014

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

EF/hw

cc:

