

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-019292
Issue No.: 2001
Agency Case No.: [REDACTED]
Hearing Date: December 22, 2015
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on December 22, 2015, from Ypsilanti, Michigan. The Petitioner was present and testified on his own behalf. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED], Eligibility Specialist, who both testified on behalf of the Department.

ISSUE

Did the Department properly close the Claimant's Medical Assistance (MA) due to his failure to provide verification?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was a recipient of MA benefits with a redetermination due in February 2015.
2. On February 10, 2015, the Department sent the Claimant a Redetermination Application, DHS 1010, that the Claimant was required to submit requested verification by February 21, 2015. Department Exhibit 1-6.
3. On October 12, 2015, the Department sent the Claimant a Verification Checklist, DHS 3503, that the Claimant was required to submit requested verification by October 22, 2015. Department Exhibit 19.

4. On October 15, 2015, the Department denied Claimant's redetermination for failure to provide the required verification of the Claimant's wife's self-employment, which was required to determine continued MA eligibility.
5. On October 15, 2015, the Department sent Claimant notice that his MA case was pended to close for failure to provide required verification.
6. On October 19, 2015, the Claimant filed a hearing request, protesting the Department's action.

CONCLUSIONS OF LAW

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

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, The Claimant was a recipient of MA benefits with a redetermination due in February 2015. On February 10, 2015, the Department sent the Claimant a Redetermination Application, DHS 1010, that the Claimant was required to submit requested verification by February 21, 2015. Department Exhibit 1-6. On October 15, 2015, the Department denied Claimant's redetermination for failure to provide the required verification of the Claimant's wife's self-employment, which was required to determine continued MA eligibility. On October 12, 2015, the Department sent the Claimant a Verification Checklist, DHS 3503, that the Claimant was required to submit requested verification by October 22, 2015. Department Exhibit 19. On October 15, 2015, the Department sent Claimant notice that his MA case was pended to close for failure to provide required verification. On October 19, 2015, the Claimant filed a hearing request, protesting the Department's action. BAM 210 and 220.

During the hearing, the Claimant stated that the verification checklist that he received was not clear as to what was missing. The Department Caseworker stated that that was the standard notice sent. However, the Administrative Law Judge has determined that that notice was not sufficient to give the Claimant notice as to what was missing. In addition, the verification checklist gave a due date of October 22, 2015, but the Claimant case was pended to close on October 15, 2015. The Claimant had been

trying to comply with turning in the required verification, which at least required the Department to be clear in what was still missing.

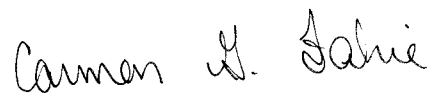
The Department Caseworker stated that the Claimant was disrespectful in his conversation with her. In addition, the Claimant stated that the Department Caseworker was also disrespectful to him in her conversation. The parties were encouraged to communicate through email so there would be a written log of their communication efforts.

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 closed the Claimant's MA case for failure to provide verification when the Department has not been clear that what was missing was only his wife's self-employment income.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

1. Initiate a redetermination of the Claimant's eligibility for MA by sending a DHS-38 for the Claimant to provide verification of his wife's self-employment income.
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, if any.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **12/29/2015**

CGF/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

