



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 22, 2016
MAHS Docket No.: 16-015427
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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, a telephone hearing was held on November 16, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor, [REDACTED].

PROCEDURAL HISTORY

The record closed at the conclusion of the hearing. The following exhibits were offered and admitted into evidence:

Department: A—Eligibility Summary.
B—September 16, 2016, Verification Checklist.
C—Electronic Case File Screen shot.
D—Paystub (date illegible).

ISSUE

Did the Department properly take action to close the Petitioner's Medical Assistance (MA) case?

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 Petitioner was an ongoing recipient of MA and he has an authorized representative for his MA case.
2. On September 16, 2016, the Department sent the Petitioner a Verification Checklist, requiring verification of income.
3. On October 25, 2016, the Department granted the Petitioner an extension to submit verification of income. The Department received only one paycheck stub after having granted the extension.
4. There is no notice of case action in evidence; however, based on the Department's hearing summary, the Petitioner was notified on October 13, 2016 that his MA case would close, effective October 13, 2016.
5. On October 13, 2016, the Department received the Petitioner's written hearing request protesting the closure of his MA case.

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.

Additionally, BAM 110 (2016) p. 1, provides that an authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). When no one in the group is able to make application for program benefits, any group member capable of understanding AR responsibilities may designate the AR. The AR assumes all the responsibilities of a client. AR's must give their name, address, and title or relationship to the client. To establish the client's eligibility, they must be familiar enough with the circumstances to complete the application, answer interview questions, and collect needed verifications.

BAM 130 (2016) p. 1, provides that verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility for benefit level. If the individual indicates the existence of a disability that

impairs their ability to gather verifications and information necessary to establish eligibility for benefits, offer to assist the individual and the gathering of such information.

The Department must tell the client what verification is required, how to obtain it and the due date using the DHS 3503, Verification Checklist to request verification. The client must obtain required verification, but the local office must assist if they need in request help. If neither the client nor the local office can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, the worker is to use his or her best judgment.

In this case, the Petitioner testified that he was confused and not very good with the required paperwork. During the hearing, the Administrative Law Judge pointed out that the Verification Checklist was not sent to the Petitioner's proper address. The Department personnel present at the hearing checked on the Bridges computer system and discovered that the Petitioner did correctly report his address and that, furthermore, the Petitioner had an authorized representative and that person was never sent the Verification Checklist. The Department's Assistance Payments Supervisor conceded that the Department did not act in accordance with the Department's policy when taking action to close the Petitioner's MA case.

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 did not act in accordance with Department policy when it took action to close the Petitioner's MA case.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY, INCLUDING ISSUING A NEW ELIGIBILITY NOTICE AND VERIFICATION CHECKLIST TO BE SENT TO THE PETITIONER'S AUTHORIZED REPRESENTATIVE, AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine the Petitioner's eligibility for MA back to the date the MA case closed, and

2. Issue the Petitioner any supplement he may thereafter be due.



SH/nr

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]