

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2009-26758
Issue No.: 2011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 14, 2010
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 14, 2010. Claimant appeared and testified; [REDACTED] of [REDACTED] and [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's 2/12/09 Assistance Application for MA and SDA benefits.

FINDINGS OF FACT

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

1. Claimant submitted a 2/12/09 Assistance Application for SDA and MA to DHS-Washtenaw County.

2. On an unknown date, DHS-Washtenaw County denied Claimant's requests for SDA and MA benefits due to Claimant's alleged failure to verify information.
3. Claimant submitted a hearing request on 5/1/09 regarding denial of MA and SDA benefits.
4. Claimant's hearing request led to a hearing which was originally scheduled for 3/24/10.
5. The 3/24/10 hearing was assigned to DHS-Washtenaw County.
6. State Office of Administrative Hearings and Rules (SOAHR) adjourned the 3/24/10 hearing.
7. A hearing was scheduled on 4/14/10 and assigned to DHS-Wayne County.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL

400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS policy regarding requests for verification is found in BAM 130. It reads, “Tell the client what verification is required, how to obtain it, and the due date... Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.”

DHS showed Claimant was denied MA and SDA benefits for failing to verify information. DHS could not specify which documents Claimant failed to submit and could not furnish a DHS-3503 verifying what documents were requested. Claimant credibly testified that she submitted all documents needed for her MA and SDA request. DHS was unable to dispute this. It can only be found that Claimant was wrongly denied MA and SDA benefits for failing to submit verifications.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant’s 2/12/09 Assistance Application for MA and SDA due to failure to return verifications. It is ordered that DHS register Claimant’s 2/12/09 requests and that DHS make necessary requests for verification to evaluate Claimant’s eligibility for each program. Claimant is required to cooperate in meeting all of DHS’ requests for verification.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/21/2010

Date Mailed: 4/21/2010

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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 was made, within 30 days of the receipt date of the rehearing decision.

CG/jlg

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