

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.: 2009-33388
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 1, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's Request for Hearing received by the Department on July 21, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, March 1, 2010. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") application effective April 2009?

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 is a MA recipient.
2. On May 11, 2009, as part of a review, the Department sent a Verification Checklist to the Claimant requesting the documentation be submitted by May 21, 2009. (Exhibit 1)

3. The Claimant submitted the requested information.
4. The Claimant's case worker did not participate in the hearing.
5. On June 8, 2009, the Department found the Claimant not eligible based upon the failure to provide verification of a bank account. (Exhibit 3)
6. The Department did not request additional verifications prior to the denial.
7. On July 21, 2009, the Department received the Claimant's written Request for Hearing protesting the determination. (Exhibit 4)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Program Administrative Manual ("PAM")/Bridges Administrative Manual ("BAM"), the Program Eligibility Manual ("PEM")/Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM")/Bridges Policy Glossary ("BPG").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM/BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM/BAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. *Id.* Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM/BAM 130 For MA purposes, if a client cannot provide the verification, despite reasonable effort, an extension should be granted up to three times. *Id.* A negative action notice is sent when the client refuses

to provide a verification **or** the time period given has elapsed. *Id.* Before determining eligibility, a client is given a reasonable opportunity to resolve any discrepancy between statements made and information from another source. *Id.*

In the record presented, the Claimant received the Verification Checklist and submitted the requested information. Purportedly, the case worker (not present during the hearing) questioned some transactions on the submitted banking information. The Claimant testified credibly that she was never asked about the transactions or asked to provide substantiation. There was no evidence that the Claimant had refused to cooperate. In light of the foregoing, the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department failed to act in accordance with policy by failing to provide the Claimant with a reasonable opportunity to resolve the purported discrepancy.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall reprocess the April 2009 application in accordance with department policy.
3. The Department shall notify the Claimant in writing of the determination in accordance with department policy.
4. The Department shall supplement for any lost benefits the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2009-33388/CMM

Date Signed: 3/11/2010

Date Mailed: 3/11/2010

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 90 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.

CMM/jlg

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