

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 200935584
Issue No.: 2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 15, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 held on April 15, 2010. The claimant appeared and testified. The claimant was represented by his Authorized Representative/Guardian, [REDACTED] of [REDACTED].

ISSUE

Did the Department properly deny the claimant's Medical Assistance (MA) and retroactive MA applications?

FINDINGS OF FACT

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

1. On September 30, 2008, December 18, 2008, February 18, 2009, and March 31, 2009, the claimant's AR filed applications for MA and retroactive MA.
2. In each instance the department notified the claimant's AR that the applications had been denied for lack of verification.
3. On September 18, 2009, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 Program Reference Manual (PRM).

In the instant case, the claimant was in a long term care facility. The facility filed the original application.

Who May Apply

All Programs

Any person, regardless of age, or his authorized representative (AR) may apply for assistance. (PAM 110, p. 4)

Here, the original application filed by the nursing home for the claimant is valid. The department denied the application for lack of verification.

At the hearing the AR testified that a previous worker had contacted the department to inform it of the inability to gather the information requested. The AR further testified that although some information was originally available from the claimant's spouse, she had since moved out of state and refused to be of any assistance. The department testified that its original worker was retired and unavailable.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "[Timeliness Standards](#)" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for FIP, SDA, and Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (PAM 130, PP. 2-3)

In the instant case, this ALJ finds that the department failed to assist this client and failed to utilize the information that had been provided as “the best available information.”

DECISION AND ORDER

The Administrative Law Judge based upon the above findings of fact and conclusions of law REVERSES AND ORDERS the department to reprocess the claimant’s original September 18, 2008, applications for MA and retroactive MA and utilize the information/documentation supplied by the claimant’s AR/guardian to make its decision.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/14/2010

Date Mailed: 07/14/2010

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.

4

200935584/MJB

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

MJB/jlg

cc:

