

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: 2009-4996

Issue No: 2006,4003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 12, 2010

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 received by the Department on November 16, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 12, 2010. The Claimant appeared and testified through his authorized representative [REDACTED]. The Department's representatives Janine Parham, FIM and Janine Hamilton, FIS also appeared and testified on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's case due to Claimant's failure to return verification of citizenship or alien status?

FINDINGS OF FACT

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

1. The Claimant filed applications for Medical Assistance (MA), Adult Medical Assistance (AMP) and State Disability Assistance (SDA).

2. The Claimant's applications for benefits were denied by the Department because the Claimant did not provide the Department any documentation showing his proof of citizenship or current alien status.
3. The only document the Department has on file is an expired Employment Authorization card from 2006. Exhibit B
4. The Claimant was denied medical assistance benefits, SDA, and AMP benefits for failure to provide verification of citizenship.
5. The Department sent numerous requests for verification. Requests for verification were sent on 11/26/07 and 2/20/07 requesting proof of U.S. Citizenship and or alien status and did not receive the requested information from the Claimant.
6. The Department issued an Application Eligibility Notice on April 10, 2008 denying the Claimant's application for SDA benefits, Adult Medical Program, and Medicaid for failing to provide proof of citizenship or alien status.
7. On October 24, 2008, the Claimant, through his authorized representative, requested a hearing regarding the Department's denial of his applications for benefits.

CONCLUSIONS OF LAW

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 Bridges Program Reference Manual (PRM).

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 Bridges Program Reference Manual (PRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

The Department is required to verify citizenship or alien status at application for MA, SDA or AMP pursuant to BEM 225, Pages 2 and 16.

In this case, the Department mailed out numerous verification checklists requesting that the claimant provide the Department with information which established either citizenship or alien status. The claimant did not respond to the repeated requests by the Department, and thus, the Department denied the Claimant's various applications.

Based upon these facts and circumstances, it is found that the Department did properly deny the Claimant's MA, AMP, and SDA applications because the verification of citizenship or alien status was not received. Under these circumstances, the Department's action must be upheld. The undersigned finds that Claimant did not provide requested information within the time provided.

Based upon the foregoing facts and relevant law, it is found that the Department's decision to deny the Claimant's applications is AFFIRMED for the reason that the Claimant did not provide the requested information required by the verification checklists.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the evidence presented at the hearing did support the decision of the Department to deny the Claimant's MA, AMP, and SDA applications for failure to provide verification of citizenship and or alien status.

Therefore, the Department's decision must be AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/06/10

Date Mailed: 05/13/10

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 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.

LMF/dj

cc:

