

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: 2009-17596
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 11, 2010
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 a hearing. After due notice, a telephone hearing was held on February 11, 2010. Claimant was represented by [REDACTED].

ISSUE

Whether the Department of Human Services (department) properly applied department policy to claimant's circumstances.

FINDINGS OF FACT

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

- (1) July 23, 2008, claimant applied for Medical Assistance (MA) .
- (2) July 29, 2008, the department sent claimant and representative a Verification Checklist (DHS-3503) indicating required proofs and setting a due date of August 8, 2008. In pertinent part, the checklist requested bank balances for July 2008. Department Exhibit A, pg 43.

(3) August 7, 2008, claimant's representative provided to the department verification of her bank balance via fax. The claimant requested an extension for providing proof of employment. Claimant Exhibit A, pgs 1-2.

(4) August 6, 2008, the Medical Review Team (MRT) denied claimant's application. Medical Social Eligibility Certification (DHS-49A). November 25, 2008, the department sent claimant's representative written notice that the application was denied due to failure to provide medical records or bank statement. Department Exhibit A, pgs 45A-B.

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers:

Allow the client ten calendar days or other time limits specified in policy to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least three times.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (e.g., fax), the date of the transmission is the receipt date. Send a Negative Action Notice when the client indicates refusal to provide a verification or the

time period given has elapsed. Bridges Administrative Manual (BAM) 130; 42 CFR 435.913(a); 42 CFR 435.916(b); MCL 400.37; Public Law 109-171.

In this case, the department properly sent claimant and claimant's representative written notice of required proofs and set an appropriate due date for said proofs. No evidence was submitted to establish that the department requested claimant's medical records. A preponderance of the evidence establishes that the claimant provided proof of bank account and medical records prior to the due date of August 8, 2008, as set by the department. Accordingly, the department's November 2008 denial of claimant's application due to "failed to provide medical records or bank statements" cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides tha Department of Human Services did not act in compliance with department policy when it determined claimant's eligibility for Medical Assistance.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate a determination of claimant's eligibility for MA in compliance with department policy and this Decision and Order. Upon completion of determination, claimant is entitled to Application Eligibility Notice (DHS-1150) indicating department's decision and the department policy relied upon in reaching that decision.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 22, 2010

Date Mailed: April 22, 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.

JAB/db

cc:

