

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: 2009-24929  
Issue No: 2006  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 28, 2010  
Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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, an in-person hearing was held on April 28, 2010. Claimant personally appeared and testified by telephone as he is in a nursing home in Ohio and could not appear for this hearing. Claimant was represented by [REDACTED], who was present at the DHS county office.

ISSUE

Did the department correctly deny claimant's Medicaid (MA) and retro MA application in January, 2009?

FINDINGS OF FACT

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

1. [REDACTED] applied for MA and retro MA for the claimant on August 13, 2008.

2. On October 10, 2008 department mailed a Verification Checklist (DHS-3503) asking for a birth certificate for the claimant with a deadline date of October 17, 2008. This form does not have any address on it. (Department's Exhibit 1).

3. On November 17, 2008 department received an e-mail from IMN stating that the claimant's sister had requested his birth certificate through the mail, that she had not received it yet but will fax it as soon as she does. (Department's Exhibit 2).

4. Department attempted to verify claimant's birth through DCH birth registry computer system, but could not do so. (Department's Exhibit 3).

5. On January 14, 2009 department mailed the claimant an Application Eligibility Notice denying his MA application due to his failure to provide proof of birth and identification. (Department's Exhibit 4).

6. On March 3, 2009 [REDACTED] representative e-mailed the department asking about the status of claimant's application and stating they have not received a decision on the case. Department responded that the claimant's application was denied for failure to return the birth certificate after being given two months to do so. [REDACTED] responded that they have never received a DHS-3503 and therefore were not aware of a deadline date to return the birth certificate, and that they have also never received a denial notice. [REDACTED] also explained that the claimant is in a nursing home and would not have received a DHS-3503. (Department's Exhibits 6 and 7).

7. Claimant requested a hearing on April 20, 2009.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Departmental policy defines an authorized representative (AR) as a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. The AR assumes the responsibilities of the client. The AR must give his name, address, and title or relationship to the client. To establish the client's eligibility, he must be familiar enough with the circumstances to complete the application, answer interview questions, and collect needed verifications. BAM 110.

Departmental policy further states that if additional verification is needed to determine eligibility, the client must be told what verification is required, how to obtain it, and the due date. DHS-3503, Verification Checklist, is to be used to request verification. BAM 130.

In claimant's case department mailed a Verification Checklist to the claimant asking for his birth certificate. No evidence exists that the Checklist was mailed to claimant's authorized representative as required by policy. Department did correspond via e-mail with authorized representative but no deadline to provide the birth certificate was given. Furthermore, claimant's sister was trying to obtain the birth certificate and department was advised of this. Department made one computer inquiry with DCH to try and verify claimant's birth record, but could not. Departmental policy states that DCH Program Eligibility Policy Section will evaluate applicants and current MA recipients who are unable to provide documentation of citizenship and identity

on a case by case basis. DCH will attempt to verify citizenship and/or identity after all other possibilities have been exhausted by DHS which include but are not limited to state to state written and/or verbal inquiries, interviews with friends and relatives and the use of computerized records. If DHS is unable to verify citizenship or identity for an applicant or recipient, a written request is to be sent to DCH with specific information regarding a particular client. BAM 130, p. 3 and 4. It is noted that this policy was in effect prior to claimant's August, 2008 MA application and therefore had to be followed by the department if the claimant did not provide the birth certificate.

Lastly, two problems exist with department's Application Eligibility Notice denying claimant's MA application on January 14, 2009. This Notice states as the reason for denial failure to provide proof of birth and identification. Department's DHS-3503 only asks for the birth certificate, and department cannot add a different basis for denial, verification not requested before, to the denial notice. Denial notice was never received by the AR and department has no evidence that it was ever mailed/faxed to them, as also required by the policy.

Claimant's AR has provided claimant's birth certificate at the hearing, and department agreed that claimant's MA application should be processed.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's MA and retro MA application in January, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed August, 2008 MA and retro MA application.
2. Grant the claimant any and all MA benefits he is found eligible for.

3. Notify the claimant and his AR of department's determination in writing.

SO ORDERED.

/s/ \_\_\_\_\_  
Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: May 4, 2010

Date Mailed: May 4, 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 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.

IR/tg

cc:

