

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.: 2010-33175

Issue No.: 2006

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

June 30, 2010

Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 June 30, 2010. The Claimant appeared at the hearing and testified. [REDACTED]

[REDACTED] Assistant Payment Specialist appeared on behalf of the Department.

ISSUE

Did the Department properly deny Claimant's Medical Assistance application for failing to return verifications?

FINDINGS OF FACT

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

1. Claimant applied for Medical Assistance on September 29, 2009.
2. A verification checklist was sent to Claimant on December 28, 2009 with a January 8, 2010 due date.
3. Claimant submitted some medical records prior to the deadline.

4. Claimant's application was denied on February 1, 2010 for failing to provide verifications.
5. Claimant submitted the requested verifications at hearing.
6. Claimant was found to be disabled by the social security administration on March 6, 2010 with benefits beginning April 2010.
7. Claimant requested a hearing on February 15, 2010 contesting the denial of MA benefits.

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 (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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable 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. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130

In the present case, the Department verification checklist dated December 28, 2009 requested “reports from all cardiac testing done in the past 12 months and all hospital discharge summaries for the past 12 months, also all physician notes from the past 12 months.” Claimant provided the requested information at hearing. Therefore this Administrative Law Judge cannot find that Claimant was not cooperative in providing requested verifications and the denial of benefits was improper.

It should also be noted that Claimant was found disabled and approved for social security disability benefits during the pendency of this action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of MA benefits, and it is ORDERED that the Department’s decision in this regard be and is hereby REVERSED. Claimant’s application for MA shall be reinstated and reprocessed going back to the date of application.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/09/2010

Date Mailed: 07/09/2010

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 60 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.

AM/cjp

cc:

