

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201012208
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 11, 2010
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 11, 2010. [REDACTED] appeared and testified as Claimant's authorized representative. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application dated 4/28/09 for MA benefits due to a failure to submit medical records.

FINDINGS OF FACT

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

1. Claimant applied for MA benefits (including retroactive MA back to 1/2009) on 4/28/09.
2. Claimant's Assistance Application (DHS-1171) stated that [REDACTED] was Claimant's representative.
3. Claimant's DHS-1171 stated that Claimant was disabled.
4. Claimant's Retroactive MA application indicated that Claimant had employment income.

5. On 5/20/09, DHS requested medical documents and income verification from Claimant and Claimant's authorized representative.
6. [REDACTED] faxed to DHS the requested medical records concerning Claimant on 5/28/09.
7. [REDACTED] faxed to DHS the requested income verifications concerning Claimant on 6/18/09.
8. On 7/1/09, DHS denied Claimant's request for MA benefits on due to an alleged failure by Claimant to return requested medical documents.
9. DHS denied Claimant's MA benefit request on a Facility Admission Notice (MSA 2565-C) and did not mail it to Claimant or Claimant's representative.
10. Claimant's representative requested a hearing on 9/17/09 disputing the denial for MA benefits.

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).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. BEM 105 at 2. As a person claiming disability, Claimant's most beneficial MA program is through Aged/Disability Care (AD-Care).

For all programs, DHS must request verifications when required by policy. PAM 130 at 1. A client not receiving RSDI based on disability or blindness must provide evidence of his disability or blindness if that is the basis for MA benefits. PEM 260 at 3. The verification of disability is established through various medical forms including: Social

Summary (DHS-49-B), Medical-Social Questionnaire (DHS-49-F), and other evidence of the impairment (DHS-49 or DHS-49-D).

For requests concerning MA benefits, clients have 10 calendar days to provide requested verifications. BAM 130 at 5. If the client cannot provide the verification despite a reasonable effort, specialists are directed to extend the time limit up to three times. *Id.* A case action notice denying the MA request is mailed if the time period for submitting documents has passed and verifications are not received. *Id.*

In the present case, DHS requested medical records from Claimant on 5/20/09. The Verification Checklist gave Claimant a 5/29/09 due date to return the documents. Though DHS gave less than 10 days to return the documents, DHS did not ultimately deny the application for a failure to timely return documents until 7/1/09.

██████████ testified that the requested medical records were never received. ██████████ supported her testimony by stating that she is the only medical worker in the DHS building and if medical records were faxed, they would not likely be lost or be given to another worker.

██████████ contended that the medical records were timely submitted to DHS. ██████████ had no first-hand knowledge of the medical records being faxed to DHS. ██████████ also did not submit any fax confirmations prior to the hearing. The undersigned allowed ██████████ an opportunity following the hearing to submit evidence of their submission. After the hearing, ██████████ presented two fax transmission reports from 5/28/09. The first fax transmission report showed that ██████████ unsuccessfully attempted to fax 32 pages of documents. A second fax transmission report showed a successful transmission for the 32 pages later in the day. The transmission report was accompanied by a letter from ██████████ which referred to the 32 pages as medical records submitted on behalf of Claimant.

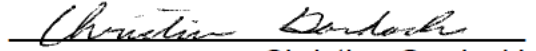
The testimony of the DHS witnesses concerning the medical records was very credible. However, in lieu of the fax transmission reports submitted by ██████████, it is more likely than not that ██████████ timely submitted Claimant's medical records to DHS. It is found that DHS improperly denied Claimant's request for MA benefits.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's MA benefit request from 4/28/09. It is ordered that DHS reinstate Claimant's application to the original registration date and to process it in accordance with their policies based on previously submitted documents. DHS may request further required documents in accordance with policy.

201012208/CG

/s/


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 27, 2010

Date Mailed: August 27, 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.

CG/ hw

cc:

