

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.: 201026249
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 9, 2010
Wayne County DHS (76)

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 September 9, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], appeared and testified.

ISSUE

Whether DHS properly failed to process Claimant's application for Medical Assistance (MA) benefits due to Claimant's failure to submit required 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 MA benefits on 7/1/2009.
2. DHS failed to make any requests for verification from Claimant concerning Claimant's application for MA benefits.
3. On 12/18/09 DHS denied Claimant's application for MA benefits due to Claimant's alleged failure to return required documents.
4. Claimant requested a hearing on 12/27/09 disputing the denial of his request 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).

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. In the present case, DHS contends that Claimant failed to return verifications necessary to determine Claimant's MA benefit eligibility. DHS could not present any part of Claimant's case file, had no record of their verification request and could not identify what information that Claimant failed to verify. Based on the DHS failure to identify the information that Claimant failed to verify, it can only be found that DHS erred by denying Claimant's application for MA benefits.

In order to reinstate Claimant's MA application, it must be determined when Claimant applied for MA benefits. DHS checked their database, Bridges, which was implemented in 8/2009, but found no record of Claimant's MA benefit application. The lack of record in Bridges tends to show that Claimant applied for MA benefits prior to the implementation of Bridges.

Claimant and his spouse each testified that they believed Claimant applied a "couple of years" ago. Claimant's testimony was not without flaws. Claimant first testified that he and his spouse lived together for the past few years. Claimant subsequently indicated that he was separated from his spouse for a multi-year period after he was questioned about his eligibility for benefits that he received during that time. It was also testified that Claimant received private health insurance through his spouse's insurance during a time when Claimant stated he was separated from her; though it is possible to receive health insurance through a separated spouse, it was a questionable circumstance. It also appears that Claimant's private health insurance was not reported to DHS as Claimant received Adult Medical Program (AMP) benefits during a period when he had private health insurance. Clients are not eligible for AMP benefits when they have private health insurance. BEM 640 at 2.

Based on all of the evidence, the undersigned is inclined to give Claimant the benefit of a 7/2009 MA application date. It is believed that Claimant must have applied prior to the implementation of Bridges but Claimant's testimony was not sufficiently credible to justify a date any earlier than the month prior to the implementation of Bridges. Claimant can be given credit for a 7/1/09 application date though the precise date in 7/2009 is

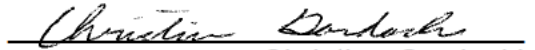
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largely irrelevant as Claimant would be entitled to MA benefits for all of 7/2009 if he applied on any date within 7/2009 and was otherwise eligible.

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 application for MA benefits. It is ordered that DHS register Claimant's MA request for 7/1/09 and to process Claimant's request in accordance with their policies. DHS may also require Claimant to complete another application prior to processing Claimant's request.

/s/


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

Date Signed: September 30, 2010

Date Mailed: September 30, 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.

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cc:

