

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

IN THE MATTER OF:



Reg. No: 201033755
Issue No: 2000
Case No: [REDACTED]
Hearing Date: August 12, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully for Jana Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on February 9, 2010. After due notice, a telephone hearing was held on Thursday, August 12, 2010. [REDACTED] represented the Claimant at the hearing.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

1. On September 16, 2009, the Claimant's representative, [REDACTED] submitted an application for Medical Assistance (MA) with retroactive coverage to December of 2008.
2. The Claimant indicated that he is a U.S. citizen on his application for assistance.
3. On September 28, 2009, the Department requested that the Claimant's representative provide verification of his identity and citizenship.
4. The Claimant's representative requested three extensions to provide the Department a copy of the Claimant's birth certificate.

5. On November 12, 2009, the Department denied the Claimant's application for Medical Assistance (MA) for failure to provide a copy of his birth certificate.
6. The Department received a request for a hearing from the Claimant's representative on February 9, 2010, protesting the denial of the Claimant's application for Medical Assistance (MA).

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Bridges Policy Bulletin BPB 2010-006 announced that Medicaid (Medical Assistance) must be opened for individuals claiming U.S. citizenship.

On March 1, 2010, the Department's Bridges system was changed so that it would no longer pend an application for Medical Assistance (MA) due to citizenship or identification verification. Therefore, if all other eligibility requirements are met, the Department will open the Medicaid Assistance benefits as required by its policy. Department Memorandum L-10-027.

Any administrative hearings pending due to a lack of documentation for citizenship or identification on March 3, 2010, are to be reviewed to determine if the client claimed to be a U.S. citizen. If so, the case should have the new policy applied to it. Department Memorandum L-10-027.

In this case, the Claimant applied for Medical Assistance on September 16, 2009. The Claimant indicated on his application for assistance that he is a U.S. citizen. On September 28, 2009, the Department requested that the Claimant provide verification of

his identify and citizenship. The Department extended the deadline for the Claimant to verify his citizenship and identity three time, and on November 12, 2009, the Department denied the Claimant's application for Medical Assistance (MA) for failure to provide a verify his citizenship and identification.

It is not disputed that the Claimant's application for Medical Assistance (MA) was denied solely due to his failure to verify his citizenship and identity. Therefore, the Department's denial of Medical Assistance (MA) is reversed. The Department shall re-examine the Claimant's application for assistance submitted on September 16, 2009, and shall obtain verification of citizenship and identification from the Social Security Administration.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department denied the Claimant's application for Medical Assistance (MA) because of his failure to verify his citizenship and identification.

Accordingly, the Department's Medical Assistance (MA) eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance (MA), based on his application for assistance submitted on September 16, 2009.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/

Kevin

Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 30, 2011

Date Mailed: March 31, 2011

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.

KS/vc

cc:

