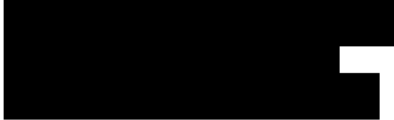


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201035575
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
Macomb County DHS (12)

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 October 6, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for MA benefits due to Claimant's failure to verify her checking and savings account balances.

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 on 1/26/10.
2. Claimant's application indicated that she was the owner of a checking and savings account.
3. DHS mailed Claimant a Verification Checklist (Exhibit 1) on 1/29/10 requesting verification of Claimant's checking and savings account balances.
4. The Verification Checklist gave Claimant until 2/8/10 to return verification of her checking and savings accounts.

5. Claimant failed to return verification of her checking and savings account balances by 2/8/10.
6. DHS denied Claimant's request for MA benefits on 2/10/10 due to Claimant's failure to verify her savings and checking accounts. (Exhibit 2).
7. Claimant requested a hearing on 2/26/10 disputing the denial of her 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 Reference Tables Manual (RFT).

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.

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at 1. Verification is usually required at application or redetermination. *Id.*

For MA benefits, clients are given 10 calendar days to provide requested verification. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. *Id.* at 6. DHS must assist with obtaining verifications if a client requests and needs help.

Clients must verify the value of countable assets for MA requests. BEM 400 at 34. Savings and checking accounts are an asset for purposes of MA eligibility. *Id.* at 2.

In the present case, it was not disputed that DHS properly requested verification and gave Claimant appropriate time to return the verification, Claimant failed to return the verification and DHS properly mailed Claimant notice of the denial based on her failure to timely verify her savings and checking accounts. The undersigned finds that the DHS specialist processed Claimant's application for MA benefits in complete compliance with DHS regulations.

Claimant contends that during the time that DHS requested verification, Claimant was undergoing a very traumatic surgery involving breast cancer. The undersigned sympathizes immensely with Claimant's circumstances but does not find Claimant's explanation to justify overturning the DHS denial. Had Claimant notified DHS of her circumstances, it could be found that DHS should have extended the time limit for Claimant to return her verifications. Claimant was unable to establish that she made any attempts to communicate her circumstances to DHS.

The undersigned is more troubled by the failure of DHS to inform Claimant of her right to reapply for MA benefits. Had Claimant been so informed, Claimant could have been eligible for MA benefits to help with her unpaid 2/2010 medical bills by applying as late as 5/31/10. It is not believed that any such communication occurred despite some minimal attempts by Claimant to contact DHS following the denial of her MA application.

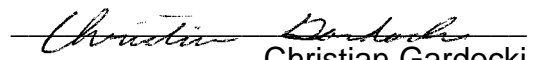
A request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. BAM 110 at 1. The requester has the right to receive the appropriate application form. *Id.* For a request in person, the local office must do all of the following: give the requester an application the same day, explain the right to file the application that day and encourage the client to do so and explain that the application date might affect the amount of benefits. *Id.*

Claimant did not establish that DHS violated any of the aforementioned regulations. Though Claimant had some unsuccessful communications with DHS, the undersigned is not inclined to find that DHS failed to honor a request by Claimant to reapply. It is found that DHS properly denied Claimant's application for MA benefits and that DHS did not violate any of Claimant's rights following the denial.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated application dated 1/26/10 for MA benefits.

/s/


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

Date Signed: October 22, 2010

Date Mailed: October 22, 2010

201035575/CG

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.

CG/hw

cc:

