

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 2010-36650
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 21, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 21, 2010. The Claimant appeared and testified through her representative, [REDACTED]. The Department's representative [REDACTED], FIM and [REDACTED], ES also appeared and testified on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for Medical Assistance due to Claimant's failure to return the requested verification information in a timely manner by the due date?

FINDINGS OF FACT

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

1. The Department received an application for medical assistance on November 30, 2009.
2. The department sent a Verification Checklist to the claimant on December 12, 2009, with a due date of December 22, 2009. The verification checklist sought verification of assets and income. Exhibit 1.
3. The Claimant's representative and Guardian received the Verification Checklist. The claimant's representative did not request an extension of time within which to file the requested response to the verification checklist.

4. The Department denied the application on January 5, 2010 by sending an Application of Eligibility Notice for the reason that no verification information was received by the department. Exhibit 3.
5. The Claimant requested a hearing on March 30, 2010 which was received by the department.

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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The 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.

In this case, the Department mailed out a verification checklist requesting the claimant provide the Department with information to establish both her assets and income. The claimant's representative received the verification checklist and did not respond to the Verification Checklist by the due date and did not request an extension from the department prior to the due date.

Based upon these facts and circumstances it is found that the Department did properly deny the claimant's application for Medical Assistance because the request for verifications was not received by the due date.

The undersigned finds that Claimant did not provide requested information sought by the Verification Checklist by the due date and therefore the Department appropriately took negative action in denying the claimant's Medical Assistance application. The Claimant is encouraged to reapply for Medical Assistance immediately.

Based upon the foregoing facts and relevant law, it is found that the Department's decision to deny the Claimant's Medical Assistance application case is correct for the reason that the Claimant did provide the requested information required by the verification checklist by the due date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the evidence presented at the hearing did support the decision of the Department to deny the Claimant's application for Medical Assistance for failure to provide a response to the verification checklist by the due date and therefore the Department's decision is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/25/2010

Date Mailed: 10/25/2010

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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