

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.: 2010-37891
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 6, 2011
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 January 6, 2011. [REDACTED] of [REDACTED]. [REDACTED] appeared and testified as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits due to an alleged failure to verify citizenship.

FINDINGS OF FACT

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

1. The Claimant, through [REDACTED], submitted an Assistance Application on 6/9/09 requesting retroactive MA benefits to 4/2009.
2. On 10/23/09, DHS received verification of Claimant's citizenship.
3. On 12/22/09, DHS denied Claimant's application for MA benefits due to an alleged failure to verify citizenship.
4. On 2/19/10, [REDACTED] requested a hearing disputing the denial of 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.

DHS is to send a negative action notice when the client refuses to provide verification or the time period given has elapsed. BAM 130 at 6. It is accepted DHS policy that if a verification is received by DHS prior to sending a negative action notice then the verification is considered timely.

In the present case, it was not disputed that verification of Claimant's citizenship was submitted prior to the DHS denial of MA benefits. DHS acknowledged this fact within their Hearing Summary (Exhibit 1). DHS also acknowledged that they improperly denied Claimant's MA benefit application due to a failure to verify citizenship because they had already received the verification. The undersigned is inclined to accept the DHS testimony that Claimant's MA benefits were wrongly denied as it is supported by the facts and DHS regulations.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly denied Claimant's application for MA benefits dated 6/9/09. It is ordered that DHS reregister Claimant's application for MA benefits and that DHS process the application in accordance with their regulations. The actions taken by DHS are REVERSED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

Date Signed: 1/13/2011

Date Mailed: 1/13/2011

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 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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