

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.: 201042960
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 11, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne VanderHeide

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 conducted on August 11, 2010 from Detroit, Michigan. The Claimant appeared and testified. [REDACTED], FIM, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") benefits for failure to submit verifications effective 2/27/10?

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 for herself and her family on 10/6/09.
2. At application, the Department handed Claimant a verification checklist requesting ID for her husband and a current bank statement. (Exhibit 1).
3. Claimant testified that she submitted all requested verifications to the Department by facsimile on the same day.
4. On 11/23/09, the Department sent Claimant notice of an appointment on 12/3/09. (Exhibit 3).

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5. Claimant testified that she appeared on 12/3/09, but no further information was requested.
6. On 1/13/10, the Department mailed Claimant a second verification checklist asking for the same information.
7. Claimant testified that she never received the second request for verification.
8. On 2/27/10, the Department denied Claimant MA benefits based on a failure to return verifications.
9. On May 24, 2010, the Department received Claimant's request for a hearing contesting the MA denial.

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, formally 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 ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable 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 the subject case, Claimant testified that she submitted the requested information via facsimile. While Claimant did not submit anything indicating that the fax was received, Claimant did submit a copy of a Michigan temporary personal ID card that was filed on 10/6/10 and a Bank statement from 10/5/10. The Administrative Law Judge finds that this type of information is not likely to be retained were it not already compiled in one place. Accordingly, the Administrative Law Judge finds that Claimant's testimony that she faxed the requested verifications credible. Therefore, the undersigned finds that

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Claimant did not refuse to cooperate with the local Department in providing verification requests.

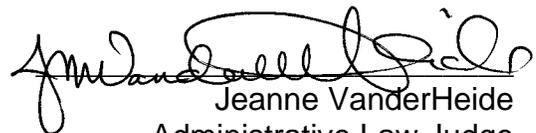
Furthermore, Claimant has provided evidence that she appeared at the Department in December of 2009, two months before the case was denied. Claimant testified that at that time, the Department representative indicated that she had yet to work on Claimant's case, but had all the required information in her possession. Then a month later, a second verification request was mailed to Claimant. It is unclear why, when it had already been two months since Claimant had applied, the Department did not just try to resolve the missing verifications with the Claimant in December in an effort to make a more timely decision. This lack of professionalism in handling Claimant's case, lends even more credibility to Claimant's testimony.

Based upon the foregoing facts and relevant law, it is found that the Department's determination to close Claimant's MA benefits based on a failure to provide verifications is REVERSED.

DECISION AND ORDER

1. The Department's 2/27/10 MA denial is REVERSED.
2. The Department shall reopen the Claimant's MA case back to the date of closure, 2/27/10, delete any related negative action and process the case for eligibility per applicable rules.
3. Should the Department find Claimant eligible for MA, the Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive.

/s/



Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2010

Date Mailed: August 24, 2010

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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.

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cc:

[REDACTED]