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

IN THE MATTER OF:

█████████

Reg. No: 2010-45152
Issue No: 2006
Case No: ████████
Load No: ████████
Hearing Date:
November 17, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on November 17, 2010. Claimant's Representative appeared and testified.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) assistance for failure to provide verifications?

FINDINGS OF FACT

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

1.   On October 7, 2009, the Claimant's representative applied for MA and retro MA.

2.   On November 4, 2009, the Department sent a verification request to the Claimant and ████████. This DHS 3503 indicated under the other box the following: "Birth certificates for ██████ and ██████, Notice of Support or Income". No boxes were checked on the form for income or personal medical records.

3.   On November 16, 2009, ████████ emailed an extension request to the Department.

4.   On February 20, 2010, a new verification request was sent to the Claimant indicating the need for verification of employment. The request is addressed to the Claimant and no mention of ██████ being copied.

5.   On April 16, 2010, the Department denied the application for failure to supply requested verifications.

6.   On May 3, 2010, the Claimant requested a hearing.

<u>CONCLUSIONS OF LAW</u>

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, the Claimant's application was denied for failure to provide requested verifications. The Claimant and ▉▉▉▉ were both sent verification request on November 4, 2009 with a due date of November 16, 2009. The verification was received by ▉▉▉▉, and on November 16, 2009, they requested a 10 day extension. The verification request sent indicated: "Birth certificates for ▉▉▉ and ▉▉▉, Notice of Support or Income". No other boxes were checked on the form for income or personal and medical records.

Relevant policy can be found in BAM Item 130, pp.1-3:

> Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.
>
> Obtain verification when:
>
> - Required by policy. PEM items specify which factors and under what circumstances verification is required.
>
> - Required as a local office option. The requirement must be applied the same for every client. Local requirements may not be imposed for MA, TMA-Plus or AMP without prior approval from central office.
>
> - Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.
>
> Verification is usually required at application/re-determination and for a reported change affecting eligibility or benefit level.

Obtaining Verification

Tell the client what verification is required, how to obtain it, and the <u>due date</u> (see "Timeliness Standards" in this item). Use the DHS-3503, Verification Checklist, or for MA re-determinations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment.

The Department is required by policy to tell both the Claimant and her representative specifically what they are seeking. The form provides simple check boxes next to items that are typically needed by the Department. In the instant case, the Department chose to leave all of these boxes unchecked and mark the other box and write in what they were seeking. This Administrative Law Judge (ALJ) finds the wording used by the Department unclear at best.
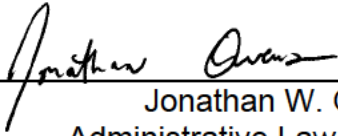
The Department further asserts they sent the request two more times to the representative by fax. However, the exhibit submitted was a cover page for a fax and not the confirmation page which would document the fax was sent. The Claimant's representative also noted the number listed on the cover page as the fax number was not the right number for Advomas. The Department did send, on February 20, 2010, a new more detailed request for verification to the Claimant. However, no mention of the form being sent to the representative was noted on this letter. All requests for additional information and other communications must be sent to the authorized representative as they are acting on behalf of the Claimant.

This Administrative Law Judge finds the Department failed to state clearly what items were needed for verification. Therefore, the Department improperly denied the application for failure to provide verifications.

<u>DECISION AND ORDER</u>

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department failed to act in accordance with policy with regards to Claimant's MA application.

Therefore, it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. The Department is ORDERED to reinstate and process the Claimant's application dated October 7, 2009.

_____
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/02/10

Date Mailed: 12/03/10

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.

JWO/dj

cc: