

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: 201047124

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 3, 2011

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 January 3, 2011.

ISSUE

Was the claimant's MA case properly denied for failing to return a verification packet?

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 was a MA-P applicant in Macomb County.
- (2) On May 13, 2010, claimant applied for MA-P.
- (3) On this application, claimant implied, but did not specifically appoint, [REDACTED] as an authorized representative (AR).

- (4) On May 14, 2010, DHS sent [REDACTED] a DHS-3503, requesting information on claimant's asset and income status.
- (5) On May 14, 2010, DHS sent claimant a DHS-3503 requesting medical verifications.
- (6) This request was not sent to [REDACTED].
- (7) Claimant was incapable of providing verifications and needed [REDACTED] [REDACTED] to represent her.
- (8) Claimant meant to appoint [REDACTED] as her AR.
- (9) Claimant was unable to return the requested verifications herself.
- (10) On May 25, 2010, claimant's application for MA-P was denied for failing to return requested verifications.
- (11) On June 7, 2010, claimant filed a request for hearing.
- (12) Claimant was represented at hearing by [REDACTED].

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 (DHS or Department) 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 Bridges Reference Manual (BRM) and Reference Tables (RFT).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish

the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130.

An authorized representative assumes all responsibilities of a client. BAM 110.

As an AR assumes all responsibilities of a client, it thus follows that the AR must be given the tools necessary to fulfill those responsibilities. Therefore, in order to fulfill those responsibilities, the AR must be given access to all communications intended for a client; it has long been the position of the Administrative Law Judge that this includes being sent a copy of all correspondence intended for the client, so that the AR can fulfill the duties of an AR.

Thus, the AR must be sent copies of all verification requests sent by the Department. In the current case, the Department does not dispute that proposition, but instead argues that they were unaware that [REDACTED] was the AR of the claimant.

There is some support for this position. [REDACTED] did not sign the application in question; it appears to have been filled out by the claimant. In the section of the application reserved for AR's, claimant writes that she would like [REDACTED] [REDACTED] to have access to her benefits, and that he is representing the person applying, but does not fill out the section with contact information for [REDACTED], so that the Department would be able to contact him with regard to his duties as AR. There appears to be no other indication in the application that claimant has an AR.

Unfortunately for the Department, this argument falls apart when one considers an important underlying fact: The Department sent [REDACTED] a DHS-3503 in order to request asset and income information on behalf of the claimant. If the Department was unaware that [REDACTED] was an AR, the undersigned cannot understand why the Department would have sent him a verification checklist. There is no reason to request information on the claimant from a person unrelated to the application, unless the Department considered [REDACTED] as an AR. Therefore, as the Department apparently considered [REDACTED] and AR by the act of treating him like an AR, the undersigned can only hold that [REDACTED] was the claimant's AR.

Therefore, the Department's subsequent actions were in error. Claimant's AR was entitled to receive a copy of all correspondence and verification requests. No evidence was submitted that the AR ever received a verification request with regard to claimant's medical verifications. The evidence does show that this request was sent to the claimant directly. Thus, as there is no evidence that claimant's AR was ever sent the verification request in question, the undersigned holds that it was never sent. As such, the Department was in error when it did not send claimant's AR a copy of the verification request in question, and the action must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's MA application of May 13, 2010 was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to re-register the application of May 13, 2010. The Department is FURTHER ORDERED to request all necessary verifications from the claimant's AR, [REDACTED], if such verifications are still required, as is consisted with policy found in the Bridges Administrative and Eligibility Manuals.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/15/11

Date Mailed: 02/16/11

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.

RJC/dj

cc:

[REDACTED]