

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. 201047345
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: November 3, 2010
Oakland County DHS (03)

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 November 3, 2010. [REDACTED] of [REDACTED] [REDACTED] appeared and testified as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), Eleanor Anderson, Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits dated 8/27/09 due to an alleged failure to timely return verifications.

FINDINGS OF FACT

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

1. [REDACTED] submitted an Assistance Application on behalf of Claimant on 8/27/09 requesting retroactive MA coverage for 7/2009.
2. DHS mailed a Verification Checklist (Exhibit 1) on 4/17/10 requesting verification of Claimant's: checking and savings account balances, Social Security number and employment.
3. DHS gave Claimant and Claimant's representative a due date of 4/27/10 to return the requested documents.
4. On 4/27/09 [REDACTED] faxed a request for extension of the 4/27/10 deadline to DHS.

5. On 5/5/10 [REDACTED] sent DHS all of the requested documents via [REDACTED].
6. On an unspecified date, DHS denied Claimant's application for MA benefits due to an alleged failure to verify Claimant's: checking and savings account balances, Social Security number and employment.
7. On 6/2/10, [REDACTED] requested a hearing disputing the denial of Claimant's MA application.

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.

It was not disputed that DHS properly requested required documentation for an MA benefit determination. It was disputed whether [REDACTED] timely returned the requested documents. [REDACTED] contends that all documents were timely submitted; DHS contends that the documents were not timely returned.

In support of their contention, [REDACTED] submitted a copy of a letter dated 4/27/10 (Exhibit 4) requesting a 10 day extension of the original 4/27/10 verification due date. [REDACTED] did not submit verification that the fax was sent but testified credibly concerning its company procedures in sending such faxes.

█ also submitted documents supporting that approximately 51 pages of documents were sent to DHS via Federal Express on 4/27/2010. The 51 pages verified all of the requested information concerning Claimant's Social Security number, employment, checking account balance and savings account balance. █ verified that DHS received the documents on 4/28/10 (Exhibit 2). Though █ did not meet the original 4/27/10 deadline, █ was entitled to an extension of the due date based on their request.

The █ testimony and documentation was very persuasive in establishing that DHS timely received verifications concerning Claimant's MA benefit eligibility. DHS was unable to rebut any of the evidence provided by █. It is found that Claimant, through █, timely verified all requested information concerning Claimant's MA benefit eligibility. Accordingly, it is found that DHS improperly denied Claimant's application for MA benefits dated 8/27/09.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits dated 8/27/09 which included a request for retroactive MA benefits to 7/2009. It is ordered that DHS reinstate Claimant's 8/27/09 application for MA benefits and to process the application in accordance with DHS regulations using verifications already received by DHS. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 5, 2010

Date Mailed: November 5, 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 60 days of the filing of the original request.

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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.

CG/hw

cc:

