

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.: 201047453
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 28, 2010
Office: 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 October 28, 2010. [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 MA benefits dated 5/8/09 due to Claimant's alleged failure to return required 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. Claimant, through Claimant's authorized representative, [REDACTED], claims to have submitted an Assistance Application to DHS on 5/8/2009 requesting retroactive MA for 4/2009.
2. Claimant, through Claimant's authorized representative, [REDACTED], submitted an Assistance Application to DHS on 9/8/2009 requesting retroactive MA for 8/2009.
3. On 1/14/10, DHS mailed a Verification Checklist (Exhibit 1) to [REDACTED] only requesting proof of Claimant's citizenship to be submitted by 1/25/10.

4. On 1/14/10, DHS also mailed a Medical Determination Verification Checklist (Exhibit 9) requesting a DHS-49 (Medical Examination Report), DHS-49G (Activities of Daily Living), DHS-1552 (Verification of Application or Appeal of SSI/RSDI) and DHS-1555 (Authorization to Release Protected Health Information); DHS gave Claimant's representative until 1/25/10 to submit these documents.
5. The Medical Determination Verification Checklist also informed Claimant, "You must reapply for Social Security".
6. On 1/25/10, [REDACTED] was unable to submit any of the requested documents by the previous deadline and requested a 10 day extension (Exhibit 3) of the 1/25/10 due date to return proof of citizenship, DHS-49, DHS-49-G, DHS-1552 and DHS-1555.
7. On 2/4/10, [REDACTED] was unable to submit any of the requested documents by the previous deadline and requested a 10 day extension (Exhibit 4) to submit Claimant's proof of citizenship, DHS-49, DHS-49-G, DHS-1552 and DHS-1555.
8. On 2/12/10, [REDACTED] was unable to submit any of the requested documents by the previous deadline and requested a 10 day extension (Exhibit 6) to submit Claimant's proof of citizenship, DHS-49, DHS-49-G, DHS-1552 and DHS-1555.
9. On 2/24/10, [REDACTED] was unable to submit any of the requested documents by the previous deadline and requested a 10 day extension (Exhibit 8) and indicated that a home call would be made to Claimant's home in an attempt to obtain the verification of citizenship, DHS-1555, DHS-1552, DHS-49-G and medical records.
10. On 2/25/10 DHS denied Claimant's request for MA benefits based on a failure to return verifications and mailed a Notice of Case Action (Exhibit 15) to [REDACTED] reflecting the denial which also stated that Claimant was over the income level for MA benefits
11. On 5/25/10, [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). At the time of Claimant's application dated 5/8/09, DHS policies were found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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.

█ contends that multiple applications were submitted to DHS on behalf of Claimant. One application was allegedly submitted on 5/8/09 requesting retroactive MA benefits to 4/09 and a second application was submitted 9/8/09 requesting retroactive MA benefits to 8/2009. DHS only acknowledged receiving the application dated 9/8/09. █ contends that DHS might have requested documents and failed to receive them concerning one of the applications, however, DHS should not have denied both applications. The undersigned is not persuaded by the █ contention.

Current DHS policy provides guidance to DHS specialists that receive multiple applications requesting food, cash, refugee or day care benefits; current DHS policy does not appear to address multiple applications for MA benefits. Looking at the DHS regulations in effect at the time of Claimant's 5/8/09 application date, DHS had no specific policy to address multiple applications.

An Assistance Application or Filing Form with the minimum information must be registered on ASSIST. PAM 115 at 1. Following registration of the application, DHS specialists are directed to do all of the following:

- Interview clients when required by policy.
- Determine eligibility for a program within the applicable standard of promptness.
- Document the eligibility determination on the DHS-1171-C, Eligibility Determination and Certification.
- Inform the client of the eligibility decision. *Id.*

DHS regulations only have certain requirements, none of which require DHS to make identical verification requests based on more than one previously submitted application. DHS is required to register the application on their database. DHS testified that the DHS database, ASSIST, was incapable of registering multiple applications. Whether ASSIST was or was not capable of registering multiple applications does not affect the decision of the undersigned. The undersigned is bound to follow DHS regulations as they are written, not as DHS databases allow. Whether DHS does or does not register multiple applications has no bearing on verification requests. Thus, a DHS failure to register multiple applications is not a DHS requirement to make multiple verification request for each pending application.

DHS is required to interview the client when policy dictates. MA requests do not require in-person interviews. PAM 115 at 6.

DHS is required to document the eligibility decision on the DHS-1171-C. The DHS-1171-C is an internal DHS form and has no effect on Claimant's rights or responsibilities.

Finally, the client is entitled to notice of the eligibility decision. The undersigned agrees that the DHS notice of denial (Exhibit 9) in the present case only addresses an application submitted by [REDACTED] from 9/2009. This is established by the reference to a "9/2009-ongoing" period of denial. The remedy for [REDACTED] concerning the DHS failure to give proper notice of the denial for the 5/2009 application is an updated denial notice specifically denying the 5/2009 application. The updated denial notice should be issued solely for the purpose for Claimant or Claimant's representative to pursue an appeal, if one is so desired.

Common sense would dictate that DHS need not mail multiple requests for the same documents simply because multiple applications were filed unless there was some notable difference between the applications. In the present case, the applications were for the same program (MA) and were to be mailed to the same address (Claimant's representative). DHS needed the same documents for each application. Thus, there appears to be no reason or requirement for DHS to make multiple requests for the same documents. It is found that DHS properly made only one series of verification requests to cover both of the applications filed by [REDACTED]. However, it has yet to be determined whether DHS requested required information from [REDACTED] or whether [REDACTED] was entitled to a fourth extension of the due date to return the documents prior to the denial.

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. PAM 110 at 1. Before processing an application for MA benefits, DHS may require a client to verify information within their application. Verification is usually required at application. PAM 130 at 1. DHS must give clients at least ten days to submit verifications. *Id.* If the client cannot provide the verification despite a reasonable effort, DHS is directed to extend the time limit up to three times. *Id.* After the date passes for submission of verifications, DHS may send a negative action notice if the time period given has elapsed or the client indicates a refusal to return the verification. *Id.*

The evidence showed that DHS requested documents from Claimant's representative. Claimant's representative was given three extensions and Claimant's representative failed to meet submit the documents despite three extensions. Claimant's representative was not entitled to a fourth extension. Though the 2/24/10 request by L&S requests a fourth extension and indicated that L&S would make a home call to Claimant's home to obtain required documents, L&S should have taken this action prior

to the due date of the fourth 10 day extension request. It is found that DHS properly gave Claimant's representative appropriate time to return verifications. However, it has not yet been determined that DHS made requests for required documents.

DHS testified that L&S failed to verify Claimant's citizenship, proof of pursuit of SSA benefits and Authorization to Release Medical Information (DHS-1555). As part of the procedure in requesting documents for clients requesting MA benefits based on disability, DHS regulations state that a DHS-1555/DHS-1555-E must always be signed by the client and included when a DHS-49 or DHS-49-D is issued requesting an examination. PAM 815 at 4. DHS requested a DHS-1555 along with a DHS-49 from Claimant's representative (Exhibit 15). [REDACTED] acknowledges the requests for the DHS-1555 in each of their extension requests. It is found that DHS properly requested a required document for MA benefits based on a disability.

[REDACTED] first contends that DHS improperly denied Claimant's 9/8/09 application for MA benefits because the denial was based on excess income, not a failure to return documents. [REDACTED] concedes receiving a notice denying the 9/8/09 application for MA benefits. The Notice of Case Action (Exhibit 15) referred to by [REDACTED] indicates that the reason for the denial is based on "Income exceeds the limit for this program". Under a separate section for comments, it is stated "failed to return verifications". The undersigned is not inclined to limit DHS to a denial of the 9/8/09 application based solely on excess income. DHS may have multiple reasons to deny an application and may input a second reason for denying an application. It is found that Claimant's 9/8/09 application was denied by DHS due to excess income and a failure to submit required documents. As it has already been found that [REDACTED] failed to submit required verifications, it is found that the 9/8/09 application was properly denied.

DHS established that a request was made for a required document (DHS-1555), that only one series of requests needed to be made despite multiple applications from Claimant's representative, that DHS complied with their requirements by providing three extensions to Claimant's representative and that DHS properly denied the applications dated 5/8/09 and 9/8/09 due to Claimant's representative's failure to submit a DHS-1555. Accordingly, the denial of Claimant's multiple applications is affirmed subject to providing specific notice of the denial for the application dated 5/8/09.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA benefits for applications dated 5/8/2009 and 9/8/2009 due to Claimant's representative's failure to timely verify required documents. The actions taken by DHS are PARTIALLY AFFIRMED.

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The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly gave notice of the denial of Claimant's Assistance Application dated 5/8/2009. It is ordered that DHS provide [REDACTED] with a denial notice for the 5/8/2009 request for MA benefits based on the denial of [REDACTED] to timely verify required information. The actions taken by DHS are PARTIALLY REVERSED.

Christian Gardocki

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

Date Signed: 12/27/2010

Date Mailed: 12/27/2010

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.

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:

[REDACTED]