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

IN THE MATTER OF:

████
███████████

Reg. No.: 2010-51393
Issue No.: 2006
Case No.: ██████
Hearing Date: December 15, 2010
DHS County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 telephone hearing was held on December 15, 2010. Claimant appeared and testified. Claimant's daughter, ████████, also testified on behalf of Claimant. ████████ appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in denying Claimant's Medical Assistance (MA or Medicaid) application for failing to cooperate in providing evidence needed to prove disability or blindness?

FINDINGS OF FACT

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

1.   On May 26, 2010, Claimant applied for MA.

2.   The Department mailed a Medical Appointment Confirmation Notice to Claimant on July 27, 2010, for a medical exam to be held on August 5, 2010.

3.   On August 6, 2010, Claimant's MA application was denied due to failure to attend the medical appointment.

4.   On August 10, 2010, Claimant requested a hearing, contesting the denial.
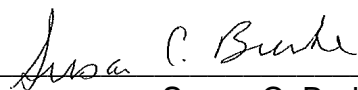
CONCLUSIONS OF LAW

The 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 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 Program Reference Manual (PRM).

The client is responsible for providing evidence needed to prove disability or blindness. A client who refuses or fails to submit to an exam necessary to determine disability or blindness cannot be determined disabled and the application may be denied. BEM 260, p. 4.

In the present case, Claimant testified credibly that she did not receive the notice of medical appointment, as she had been having problems with getting her mail. Claimant detailed that the mail carrier for her residence left the box open, compromising the mail she received. Claimant further testified that she did receive the denial letter, and that was the first she knew about the medical appointment. Claimant's daughter corroborated Claimant's testimony, stating that Claimant's mail is now sent to the daughter's address. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in denying Claimant's application for failing to cooperate in providing evidence needed to prove disability or blindness.

DECISION AND ORDER

The Department's decision to deny Claimant's MA application for failing to cooperate in providing evidence needed to prove disability or blindness was incorrect and, therefore, is REVERSED. It is ORDERED that Claimant's application shall be reinstated and reprocessed from the date of the original application, May 26, 2010.

_____
Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 3, 2011

Date Mailed: January 4, 2011

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.

SCB/pf

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