

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2010-9087

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 20, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 three-way telephone hearing was held on May 20, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's Medical Assistance (MA) application for failure to provide 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) On June 15, 2009, Claimant submitted an application for Medical Assistance (MA).
- (2) On July 2, 2009, Claimant was sent a Medical Determination Verification Checklist.

The correspondence listed medical records required to determine Claimant's eligibility for Medical Assistance (MA). It also stated that the verifications were due by July 13, 2009, and scheduled an interview for July 14, 2009.

(3) On July 14, 2009, Claimant attended the scheduled interview but did not provide all the required medical verifications.

(4) On July 29, 2009, the Department denied Claimant's Medical Assistance (MA) application because all the required medical verifications had not been submitted. Claimant was sent a Notice of Case Action (DHS-1605).

(5) On August 5, 2009, Claimant submitted a request for hearing.

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 Program Reference Manual (PRM).

In this case Claimant has submitted several applications for Medical Assistance (MA) both before and after the June 15, 2009, application at issue in this hearing. It is undisputed that medical verifications were requested and required to determine Claimant's eligibility. In this case there is admissible evidence from three separate sources on the pivotal issue.

The Department has submitted the case worker's hand written notes regarding the application. That evidence consists of one page which records the interview on July 14, 2009, and the worker's entry on July 29, 2009, stating "no medical proof provided."

Claimant testified on the issue. At least three times during the hearing Claimant was unsure of whether a 2008 application was being discussed or the June 15, 2009, application. Claimant testified that he is pretty sure he mailed in the documentation but does not remember the date. Claimant specifically stated he thinks he probably mailed it in after the interview.

The record was left open to allow Claimant's legal counsel the opportunity to submit information from Claimant's Doctor's medical records around the time of the activity at issue. Relevant documentation from [REDACTED] includes: an entry from November 6, 2008, which mentions completion of state forms; a Medical Examination Report (form DHS-49) signed by the Doctor on November 10, 2008, which states the last examination was November 6, 2008; and an entry from July 9, 2009, which provides no indication of required state forms, information, or other documentation for the state.

The evidence submitted by the Department establishes that: Claimant was required to provide medical verifications by July 13, 2009; Claimant had not provided the required verifications by July 14, 2009, when he met with the Department case worker; and on July 29, 2009, the Department still did not have the required verifications. There is no evidence in the record which refutes the validity of the Department's action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Medical Assistance (MA) application for failure to provide required verifications,.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 14, 2010

Date Mailed: June 14, 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 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.

GFH/alc

cc:

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