

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 20109734
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 16, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 August 16, 2010. The Claimant's authorized hearings representative, [REDACTED], appeared and testified. [REDACTED] and [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's MA application for failing to provide 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 applied for MA benefits on September 1, 2009.
- (2) A verification checklist was sent to Claimant on September 26, 2009 with an October 6, 2009 due date requesting life insurance information and identifications.
- (3) Claimant submitted a fax confirmation sheet dated October 6, 2009 at hearing.

- (4) Claimant submitted requested verifications by mail and by dropping them off at the Department office.
- (5) Claimant's case worker during the period of time in questions did not testify at hearing.
- (6) On November 2, 2009 Claimant's MA application was denied for failure to provide verifications.
- (7) Claimant requested a hearing on November 12, 2009 contesting the denial 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 Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the present case, a verification checklist was sent to Claimant on September 26, 2009 with an October 6, 2009 due date. Claimant's authorized representative presented a fax confirmation sheet at hearing dated October 6, 2009. Claimant's authorized representative credibly testified that she submitted all requested verifications by mail, fax, and by dropping off the documents at the Department office prior to the deadline. Claimant's case worker, during the period of time in question, did not testify at hearing. This Administrative Law Judge cannot find that Claimant was not cooperative. Therefore denial of MA benefits was unwarranted and improper.

DECISION AND ORDER

20109734/AM

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of Claimant's MA application, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's MA application shall be reinstated and reprocessed as of the date of application.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 26, 2010

Date Mailed: August 26, 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.

AM/hw

cc:

