

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

IN THE MATTER OF:



Reg. No.: 2010-9772
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 26, 2010
DHS County: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on August 26, 2010. Claimant was represented by his attorney, [REDACTED]. Following the hearing, the record was kept open for the receipt of additional documentation. Additional documents were received and reviewed.

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's June 22, 2009, application for Medical Assistance (MA) based upon failure to provide verification of eligibility?

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 22, 2009, an application was filed on claimant's behalf for MA benefits.
2. Throughout the application process, the parties communicated with one another via fax, mailing, and telephone conversation.
3. The latest due date established by the department for requested items of verification from claimant's representative was October 22, 2009.
4. The department later amended the due date to October 20, 2009.

5. On October 7, 2009, claimant's attorney mailed the verification requested by the department to claimant's nursing home instead of to the department.
6. The department did not receive the requested items of verification.
7. On October 27, 2009, the department denied claimant's application for MA-P based upon failure to provide verification of eligibility.
8. On October 30, 2009, a hearing request was filed to protest the department's determination.
9. On October 30, 2009, a new application for MA was filed on claimant's behalf.
10. Thereafter, the department opened MA for claimant retroactive to July of 2009.
11. At the hearing, the parties agreed that at issue was whether the department had properly denied claimant's June 22, 2009, application for MA based upon failure to provide verification of eligibility.

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Relevant departmental policy in this matter is as follows:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. BEM items specify which factors and under what circumstances verification is required.
- ...
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

BAM Item 130, p. 1.

MA Only

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times.

Verification are considered to be timely if received by the date they are due.

BAM Item 130, p. 4.

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed.

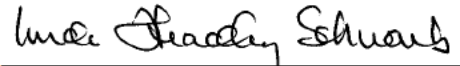
BAM Item 130, p. 5

In this matter, the department requested items of verification from claimant. Claimant's attorney mailed the requested verification of eligibility to claimant's nursing home instead of to the department. The department did not receive the requested items of verification prior to the due date. Per BAM Item 130, the department followed policy in denying claimant's application for benefits. Accordingly, the department's action in this matter must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly denied claimant's June 22, 2009, application for Medical Assistance based upon failure to provide verification of eligibility.

Accordingly, the department's determination in this matter is hereby affirmed.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 15, 2010

Date Mailed: September 16, 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.

LSS/pf

cc:

