

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.: 201010406
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 26, 2010
Macomb 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 26, 2010. The Claimant appeared at the hearing and testified along with [REDACTED] and [REDACTED]. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Whether the Department was correct to deny Claimant's application for Medical Assistance 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 on June 29, 2009.
- (2) A verification checklist was sent to claimant on September 24, 2009 with an October 5, 2009 due date.
- (3) Claimant provided verifications on October 1, 2009.
- (4) On October 17, 20109 Claimant's MA application was denied for failing to return verifications.

- (5) Claimant requested hearing on October 28, 2010 contesting the denial of her MA application.

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. Obtain verification when: • Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. BAM 130.

In the present case, Claimant testified that she submitted requested verifications on October 5, 2009- the date the verifications were due. The Department acknowledged that some verifications were received on October 1, 2009 but the verifications were incomplete. Department policy dictates where verifications are incomplete a new checklist should be issued specifically requesting missing verifications. BAM 130. Additionally, Claimant and her witness credibly testified that the missing verifications were dropped off at the Department office on October 5, 2009. Those documents appear to have been lost. The Department checked the log and could not find entries for either October 1 or October 5 in the logs.

This Administrative Law Judge cannot find that Claimant refused to provide requested verifications. Therefore the denial of Claimant's MA application for failing to provide verifications was improper and incorrect.

DECISION AND ORDER

Therefore it is ORDERED that the Department decision to deny Claimant's MA application for failing to return verifications is REVERSED. Claimant's application

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for MA shall be reinstated and reprocessed going back to the date of application.

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

Date Signed: September 1, 2010

Date Mailed: September 1, 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:

