

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

IN THE MATTER OF:



Reg No. 201023007
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: July 7, 2010
Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, July 7, 2010. The claimant was not present, but was represented by her son, [REDACTED], legal guardian.

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) application based upon the fact that the claimant did not provide the required verification?

FINDINGS OF FACT

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

1. The claimant was a recipient of MA with a medical review required October 2009.
2. On September 15, 2009, the department caseworker sent the claimant a redetermination application with a due date of October 1, 2009. Department Exhibit 1.
3. On November 19, 2009, the department caseworker cancelled the claimant's benefits because the redetermination form was not submitted with the required verification to determine continued eligibility. Department Exhibit 2.

4. On November 25, 2009, the department received a hearing request from the claimant's son, contesting the department's negative action.
5. In April 2010, the claimant's son reapplied for MA with retroactive benefits to January 2010, but for the month of December 2009 the claimant does not have MA coverage.
6. During the hearing, the claimant's son stated that he provided the required information that the department required to determine eligibility, but in reading his hearing request, it was noted that he wrote Social Security office instead of the Department of Human Services office.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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).

The department manuals provide the following relevant policy statements and instructions for caseworkers:

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

In the instant case, the claimant was a recipient of MA with a review required in October 2009. On September 15, 2009, the department caseworker sent the claimant the redetermination form that was due October 1, 2009. The form was not returned and the case was entered into closure on November 19, 2009. On November 19, 2009, the department caseworker pended the claimant's case to close on December 1, 2009 because the required verification was not received by the due date.

During the hearing, this Administrative Law Judge notes that the claimant may have inadvertently sent the required redetermination forms to the Social Security office instead of the Department of Human Services office. The claimant's son subsequently reapplied in April 2010 with retroactive benefits to January 2010. The only month that wasn't covered for the time period was December 2009.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant failed to provide the required verification to determine continued eligibility for MA. However, the claimant's son subsequently reapplied and provided the required verification and was under the impression that the information that he sent to the department was lost, which is why he requested the hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that even though the department appropriately denied the claimant's redetermination of continued MA because the required verifications were not provided. The claimant's son sent the information to the wrong office, but subsequently reapplied and submitted the required information that the department can use to determine eligibility for the uncovered month of December 2009.

Accordingly, the department's decision is **AFFIRMED**, but the department is ordered to determine the claimant's eligibility for the month of December 2009 based on the information provided during the reapplication in April 2010.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 25, 2010

Date Mailed: August 25, 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.

CGF/vc

cc:

