

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.: 201023671
Issue No.: 2006, 4000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 22, 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 September 22, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's Medical Assistance and State Disability applications for failing to return 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 and SDA benefits.
- (2) A verification checklist was sent to Claimant on August 4, 2009 with an August 14, 2009 due date.
- (3) Claimant requested, and was granted, two extensions.
- (4) Claimant submitted completed Medical-Social Questionnaire and 49-G form.

- (5) Claimant submitted medical records from 2007 and 2008 but no records from the previous 12 months as requested.
- (6) Claimant's application was denied on September 17, 2009 for failing to provide medical evidence.
- (7) Claimant requested a hearing on September 22, 2009 contesting the denial of MA benefits.
- (8) Claimant testified at hearing that she is satisfied with the Department's actions with regard to State Disability Assistance and that she was abandoning her appeal with regard to that program.

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).

The client is responsible for providing evidence needed to prove disability or blindness. BEM 261.

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, Claimant was sent a verification checklist that instructed her as to what information was needed to process her application. Claimant requested, and was granted, two extensions. Claimant submitted no medical records for the previous 12 months, despite specifically being requested to do so. Claimant did not make a reasonable effort to provide requested verifications and medical records. Therefore denial of her application was proper and correct. BAM 130, BEM 261. Claimant


201023671/AM

submitted a statement from [REDACTED] dated [REDACTED] asserting that Claimant "suffers from several incapacitating and debilitating illness". No supporting medical evidence was submitted with this letter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the denial of MA benefits, and it is ORDERED that the Department's decision is hereby AFFIRMED. Claimant's request for hearing with regard to State Disability Assistance is DISMISSED.

/s/



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

Date Signed: September 29, 2010

Date Mailed: September 29, 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:

[REDACTED]