

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-32130
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 28, 2010
Lenawee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on July 28, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Medicaid (MA) application in January, 2010?

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 was previously denied MA but after requesting a hearing this denial was reversed on January 8, 2010. Department was ordered to determine claimant's MA eligibility back to his application date of February, 2008.

2. On January 14, 2010 department mailed the claimant a Verification Checklist requesting various verifications needed to complete MA eligibility determinations. This form states that a client is to call the caseworker right away if they have any questions or problems getting the proofs, and that help will be given if it is asked for.

3. Verification Checklist further states that the client must get the proofs to the caseworker or call him/her by the due date below (which in claimant's case was January 24, 2010). Bold lettering advises the client that if the proofs are not received or they do not call the caseworker by the due date, benefits may be denied or cancelled.

4. On January 28, 2010 department denied claimant's MA application as no requested verifications were received and no calls were received from him.

5. On February 1, 2010 department received claimant's hearing request saying he and his wife did not have enough time to submit the paperwork. Claimant did not attend the pre-hearing conference scheduled for February 8, 2010.

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

Department's policy requires that the department send a Verification Checklist, DHS-3503, to clients any time additional information is needed to determine eligibility for department's programs. Department is to give clients 10 days to provide such verification. If the client calls during the 10 day period and indicates they are having a problem obtaining

verification, department is to allow additional time for the client to provide such information.

BAM 130.

In claimant's case he did not provide requested verifications by the due date. Claimant states he thought that his wife had called the department but cannot specify when. Department's representative has no record of any such calls prior to the date of denial of MA application.

Claimant further states that he was not aware that verifications had to be returned by the due date or a telephone call made to the department. Once the wording on the Verification Checklist is read to the claimant, he admits that he did not notice it.

Hearing testimony also indicates that the claimant re-applied for assistance in March, 2010 but again failed to return requested verifications. Claimant was advised to apply again and to make sure he requests any help from the department he feels he needs so that he can obtain needed verifications in a timely manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA application in January, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 4, 2010

Date Mailed: August 5, 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.

IR/tg

cc:

