

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-46908
Issue No.: 2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 28, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, October 28, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department. [REDACTED] observed the proceedings.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA-P") application based on the failure to timely submit the requested 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. On March 25, 2010, the Claimant submitted an application for public assistance seeking MA-P benefits.
2. On April 19, 2010, the Department sent the Claimant a Verification Checklist requesting the medical records be submitted by April 29, 2010. (Exhibit 1, pp. 1 – 4)
3. On April 28, 2010, the Claimant submitted some of the requested information but did not submit any medical evidence. (Exhibit 1, pp. 5 – 14)
4. On April 30, 2010, the Claimant's MA-P application was denied based on the failure to submit the requested information. (Exhibit 1, pp. 15 – 37)

5. On May 10, 2010, the Department received the requested medical evidence.
6. On May 25, 2010, the Department received the Claimant's written request for hearing. (Exhibit 2)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formally known as the Family Independence Agency, 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 Bridges Reference Manual ("BRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 For MA-P purposes, if the client cannot provide the verification despite a reasonable effort, the time limit should be extended up to three times. BAM 130 Verifications are considered timely if received by the due date. BAM 130

In this case, the Claimant's application for public assistance seeking MA-P benefits was received by the Department on March 25, 2010. In response, the Department sent a Verification Checklist to the Claimant requesting the information be submitted by April 29, 2010. On April 28, 2010, the Claimant submitted some information but failed to submit any medical evidence necessary to determine eligibility. The Claimant testified credibly that he had dropped the information off at his Psychiatrist and was told the completed forms would be submitted. Unfortunately, the forms were not submitted. There was no communication between the Claimant and the Department regarding the requested verifications. The Department denied the application on April 30, 2010 after not receiving the verifications by the due date. Under the facts presented, it is found that the Department acted in accordance with department policy when it denied the Claimant's MA-P application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department acted in accordance with department policy when it denied

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the Claimant's MA-P application for failing to timely submit the requested verifications necessary for determining eligibility.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/03/2010

Date Mailed: 11/03/2010

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.

CMM/jlg

cc:

