

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

IN THE MATTER:



Reg No. 201049824
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: November 17, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 November 17, 2010.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Medical Assistance (MA) benefits.

FINDINGS OF FACT

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

1. April 29, 2010, the department received an application for MA and retro-active MA on behalf of claimant. Department Exhibit A, pgs 77-90.
2. May 27, 2010, the department sent claimant a Verification Checklist (DHS-3503) indicating required proofs and setting a deadline of June 7, 2010. Department Exhibit A, pgs 51-55

3. June 8, 2010, the department received claimant's request for additional time to provide proofs. Department Exhibit A, pg 41.
4. June 14, 2010, the department sent claimant written notice that the application was denied due to failure to provide required proofs. Department Exhibit A, pgs 15-23.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times.

Bridges Administrative Manual (BAM) 130; 42 CFR 435.913(a); 42 CFR 435.916(b); MCL 400.37; Public Law 109-171.

In this case, the department received claimant's application and properly sent a Verification Checklist indicating required proofs and setting an appropriate deadline. Finding of Fact 2. June 8, 2009, the department received part but not all the required proofs and a note from claimant's representative indicating he needed "a couple of days" to provide a printout of claimant's checking account. He also indicated that he was not able to get proof of claimant's savings account. Finding of Fact 3; Department Exhibit A, pg 41. The department provided no verbal or written communication to claimant regarding the final extended due date for proofs, or whether proofs received were adequate. Accordingly, the department's action to deny the application on June 14, 2009 (Finding of Fact 4) can not be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services did not act in compliance with department policy when it determined claimant's eligibility for Medical Assistance.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate a determination of claimant's eligibility for MA consistent with department policy and this Decision and Order.

/s/
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2010

Date Mailed: December 13, 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 receipt 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.

JAB/db

cc:

