

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.: 201049825
Issue No.: 2000; 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 15, 2010
Office: Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 November 15, 2010. [REDACTED] of [REDACTED] appeared and testified on behalf of Claimant as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUES

1. Whether Claimant timely requested a hearing concerning Claimant's denial of Medical Assistance (MA) benefits.
2. Whether DHS properly denied Claimant's MA benefits due to an alleged failure by Claimant's representative to verify information.

FINDINGS OF FACT

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

1. [REDACTED], as authorized representative for Claimant, submitted an Assistance Application to DHS on 5/27/09 requesting MA benefits.
2. DHS failed to request allegedly needed verifications from Claimant's authorized representative.
3. On 2/27/10, DHS mailed Claimant's representative an Application Notice (Exhibit 1) denying Claimant's MA benefits due to an alleged failure to verify information.

4. Claimant's representative requested a hearing on 5/26/10 disputing Claimant's denial of MA benefits.

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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

BAM 600 contains the DHS policy for administrative hearings including the client deadline to file a hearing request. Clients have 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4.

In the present case, the written notice of case action was dated 2/27/10. Claimant's AHR submitted a hearing request on 5/26/10, the 88th day following the date of notice. Claimant's AHR was pushing the time limits, but nonetheless timely in complying with the 90 day time limit to request a hearing.

DHS contended that Claimant's AHR submitted the hearing request on 7/7/10 and not on 5/26/10. Claimant's hearing request was clearly date stamped with a DHS date stamp of 5/26/10. It is possible that DHS disputes that Claimant's AHR submitted the hearing request to a DHS office in Ingham County rather than the DHS Inkster office, the office responsible for the denial of MA benefits. Inkster DHS did not receive Claimant's hearing request until 7/7/10.

Clients or AHRs should be instructed to deliver or mail (not fax) the hearing request to their local DHS office. BAM 600 at 4. The hearings coordinator receives the request on behalf of the department. *Id.* All hearings requests received, must be date stamped and forwarded immediately to the hearings coordinator. *Id.* If the hearings request is received by a local office that is not responsible for the disputed action, date stamp the request and forward it immediately to the correct local office, ATTENTION HEARINGS COORDINATOR. *Id.*

Clients or AHRs seeking hearings should be instructed to submit requests to the local office. The undersigned is not inclined to interpret a requirement for DHS to instruct clients as a requirement for clients to comply with the instructions. Further, the above policy clearly allows for hearing request submissions to a DHS office not necessarily responsible for an adverse action as instructions are provided for DHS to forward the request to the appropriate office. It is found that L&S timely requested a hearing disputing Claimant's denied application.

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at 1. Verification is usually required at application or redetermination. *Id.*

For MA benefits, clients are given 10 calendar days to provide requested verification. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. *Id.* at 6. DHS must assist with obtaining verifications if a client requests and needs help.

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group). BAM 110 at 7. The AR assumes all the responsibilities of a client. *Id.*

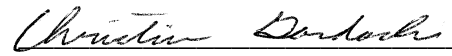
In the present case, DHS failed to establish that Claimant's authorized representative ever received a notice to provide verifications. L&S credibly testified that DHS failed to send them a Verification Checklist and DHS presented no evidence to rebut the testimony. As DHS failed to establish that a valid verification request was made to Claimant's representative, it can only be found that DHS improperly requested verifications. Accordingly, DHS improperly denied Claimant's request for MA benefits dated 5/27/09.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 5/27/09 for MA benefits. It is further found that Claimant's representative timely requested a hearing disputing the denial of MA benefits. It is ordered that DHS reinstate Claimant's application and to make future requests for verification in accordance with DHS regulations.

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The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 29, 2010

Date Mailed: November 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 60 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.

CG/hw

cc:

