

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.: 2010-50231
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 27, 2010
DHS County: Monroe

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on September 27, 2010. Claimant was represented by [REDACTED].

ISSUE

In cases of individuals claiming U.S. citizenship who were denied Medical Assistance (MA) based upon lack of verification of citizenship/identity (ID), is the Department of Human Services (DHS or department) required to reconsider applications filed on or after January 1, 2010, or reconsider denials issued on or after January 1, 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. On November 30, 2009, claimant's authorized representative (A.R.) filed an application on claimant's behalf for MA benefits.
2. On January 14, 2010, the department denied claimant's application for benefits based upon "failure to provide identity." The Notice of Denial was sent to claimant but not to his A.R.
3. On April 23, 2010, claimant's A.R. filed a hearing request to protest the department's determination.

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


On March 3, 2010, the department issued an L-letter (L-10-027) indicating that, effective March 1, 2010, if a client claims to be a U.S. citizens, an MA application will no longer pend due to citizenship or ID verification and that, if all other eligibility requirements are met, MA will be opened. The L-letter further directed that “DHS is required to remedy any applications for Medicaid that were denied due to lack of citizenship or ID verification back to January 1, 2010. The last paragraph of the L-letter provided as follows:

“Lastly, any administrative hearings that are pending due to lack of documentation for citizenship or ID should also be reviewed to determine if the client claimed to be a U.S. citizen. If so, the case should have a new policy applied to it, after which a withdrawal of administrative hearing should be pursued.”

It appears that Department of Community Health (DCH) policy personnel have advised applicants that the department will re-evaluate any **denial** issued on or after January 1, 2010, due to lack of verification of citizenship/ID. (Claimant Exhibit A.) Meanwhile, DHS policy personnel have advised local offices that DHS will not reconsider **applications** filed before January 1, 2010. (Department Exhibit #2.) Thus, the question is, in cases of individuals claiming U.S. citizenship who were denied MA based upon lack of verification of citizenship/ID, does policy require the department to reconsider applications filed on or after January 1, 2010, or reconsider denials issued on or after January 1, 2010. After careful consideration of the language of L-10-027, the undersigned finds that it is the latter. Denials due to lack of citizenship/ID verification issued on or after January 1, 2010, must be reconsidered in light of the new policy. Further, the last paragraph in L-10-027 provides that any administrative hearing due to lack of documentation for citizenship/ID should be re-examined under the new policy if the claimant claimed to be a U.S. citizen. Accordingly, the department’s action in this matter must be reversed. The department is ordered to initiate reconsideration of claimant’s November 30, 2009, application in light of new policy regarding verification of citizenship/identity. The department shall notify claimant and his authorized representative of its determination in writing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services has improperly declined to reconsider claimant's application for Medical Assistance. Accordingly, the department's action in this matter is hereby reversed. The department shall initiate reconsideration of claimant's November 30, 2009, application for Medical Assistance in light of new policy regarding verification of citizenship/identity. The department shall notify claimant and his authorized representative of its determination in writing.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 28, 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.

LSS/pf

cc:

