

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201051701
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 8, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 8, 2010. The Claimant did not appear. The Claimant's court appointed Guardian, [REDACTED] appeared, as well as [REDACTED], administrative assistant. [REDACTED] and [REDACTED] of [REDACTED] appeared as witnesses on the Claimant's behalf. The Department's representatives [REDACTED], ES and [REDACTED], FIM also appeared and testified on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's application for Medical Assistance dated December 4, 2009 due to failure to return the requested asset verification information and form?

FINDINGS OF FACT

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

1. The Claimant's daughter applied for Medical Assistance for her mother on December 4, 2009.
2. The department sent a verification checklist to the daughter on December 9, 2009 with a due date of December 21, 2009. Exhibit 1
3. The Claimant was placed in long term care as of April 13, 2009.

4. The Claimant's daughter failed to provide the Department with the Asset declaration form required by the Department to assess medical assistance eligibility. Exhibit 1
5. At the time the application was filed, the Claimant's guardian had not been appointed. Exhibit 2
6. The Department was not advised of the Guardianship while the application was pending and thus did not provide the Claimant's guardian with notice of its denial of the application.
7. The department denied the claimant's application on February 1, 2010. Exhibit 3
8. The claimant's court appointed Guardian requested a hearing protesting the denial of the application on March 16, 2010 which was received on June 14, 2010 by the Department.

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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In this case, the Department mailed out a request for verification of assets requesting that information be returned by the due date and sent it to the last known address provided to the Department and to the Claimant's daughter who had filed the application on behalf of her mother. The department never received a response to the request for

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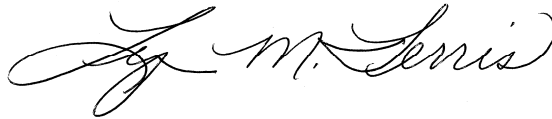
asset verification and thus correctly denied the application. The Department denied the claimant's medical assistance application of February 2, 2010 because it never received a response from the Claimant or her daughter.

The Administrative Law Judge is not unsympathetic to the frustration of the Claimant's Guardian's efforts to seek medical assistance for the Claimant and her spouse, however the application in question, which is at issue in this matter pre dated her appointment and had been denied before she had requested a hearing regarding the application and provided the Department notice of the Guardianship appointment.

Based upon these facts and circumstances it is found that the Department did properly deny the Claimant application for Medical Assistance cases because the requested asset verification information was never returned to the Department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the evidence presented at the hearing did support the decision of the Department to close the Claimant's Medicaid cases for failure to return the requested verification of asset forms and therefore, the Department's decision is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/10/2010

Date Mailed: 11/10/2010

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.

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